

MAGNA

Charta, cum statutis,
tum antiquis, tum recen-
tibus, maximopere, animo
tenendis nunc demum ad
vnum, tipis ædita,
per Richardum
Tottell.

(.)

v Aiko de E3. C. E. 2. on
A. C. Baydij den gharib M.
mo Giloyne, C. duy dquidag

Anno domini. 1576.

¶ Cum priuilegio ad impri-
mendum solum.

0 H 7

The title of 5.7 in 500' Pm
Comica dei m. n. a. 10

MAGNA

Claret, cum statum

luna antiquis, luna recent

tipus, maximopere, animo

tenentis hunc deum ad

vitam, ubi estis

per Richardum

torrell

(v)

Anno domini 1778

Qui privilegio ad imp

mentum solunt

To the Reader.



He former booke intituled Magna Charta, did contein diuers olde statutes lawes, and other thinges, althoughe good, not verye necessary to be had in one so portable a volume, and the same confusely and not orderly digested, and in many places (for want of perfect coppies) verye faultye. This cōteyneth the most necessarie of those olde statutes, and diuers later and newe statutes most conuenient to bee had, perfect and ready, not onely by al students of the lawe for their priuate studies, readings, mootes, boltes, cases and other exercises, but also by the practisers of the same for their daylie affaires and causes, which statutes be those that are conteyned in the table next following: wherein the statutes whiche this booke conteineth, are in suche order as they bee placed in this booke. The

¶ To the Reader.

other table doth conteyne the titles in order of Alphabet, wherein the statutes in this booke conteyned, are collected, in the collection of statutes compiled by master Rastall: whiche titles, are set in this booke, ouer euerie suche parte of the saide statutes, as are in that collection, and therevnto is added the number, at the whiche the same is to bee found in the collection. The woordes conteyned betweene the two plaine strikes, which sometimes yee shall find in the booke doe shewe what is corrected or added to the statutes more then was before imprinted, the corrections whereof, are to be warranted by diuers auncient coppies, which haue ben carefully conserued for the same purpose.

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Magna Charta edita.

An. nono Henrici tercij.



Edwardus dei
gratia, Rex Anglie
dominus Hibernie, &
dux Aquitanie ar-
chiepiscopis, episco-
pis, abbatibus, pri-
oribus, comitibus, baronibus,
iusticiariis, vicecomitibus, pro-
positis, ministris, &
omnibus ballivis & fi-

delibus suis salutem. Inspeximus Magnam chartam domini H. quodam regis Anglie patris nostri de libertatibus Anglie in hec verba.

Henricus dei gratia Rex Anglie dominus Hibernie, dux Normannie et Aquitanie, & comes Andeg., Archiepiscopus, episcopis, abbatibus, prioribus, comitibus, baronibus, vicecomitibus, propositis, ministris, & omnibus ballivis, et fidelibus suis presentem Chartam inspecturis salutem. Sciatis quod nos intuitu dei, & pro salute anime nostre, & animarum antecessorum et successorum nostrorum, ad exaltationem sancte ecclesie, & emendationem regni nostri, spontanea et bona voluntate nostra, dedimus & concessimus Archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, et omnibus liberis de regno nostro has libertates subscriptas, tenendas in regno nostro Anglie in perpetuum.

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¶ Fraunchises. I. cap. I.

CIn primis concessimus deo, et hac presenti Charta nostra confirmavimus pro nobis & heredibus nostris imperpetuum, quod ecclesia Anglicana libera sit, & habeat omnia iura sua integra, & libertates suas illesas. Concessimus etiam & dedimus omnibus liberis hominibus regni nostri, pro nobis et heredibus nostris, in perpetuum has libertates subscriptas, tenendum & habendum eis & heredibus suis de nobis et heredibus nostris in perpetuum.

¶ Reliefe. I. cap. 2.

Si quis comes, vel baronum nostrorum, siue aliorum tenentium de nobis in capite per servitium militum, mortuus fuerit, & cum decesserit, heres eius plene etatis fuerit, & relevium nobis debeat, habeat hereditatem suam per antiquum relevium, scilicet heres vel heredes comitis de comitatu integro, per centum libras, heres vel heredes baronis de baronia integra, per centum marcas, heres vel heredes militis, de feodo militis integro, per centum solidos ad plus. Et qui minus habuerit, minus det, secundum antiquam consuetudinem feodorum.

¶ Wardes. I. ca. 3

Si autem heres alicuius talium fuerit infans etatem, dominus eius non habeat custodiam eius, nec terre sue, antequam homagium ceperit. Et postquam talis heres fuerit in custodia, cum ad etatem pervenerit (scilicet xxi annorum) habeat hereditatem suam sine relevio, & sine fine ita tamen, quod si ipse (dum infra etatem fuerit) fiat miles, nihilominus terra remaneat in custodia

custodia dominorum suorum, usque ad terminum predictum.

¶ Wast. 1. cap. 4.

Custos terre huiusmodi heredis, qui infra etatem fuerit, non capiat de terra heredis, nisi si rationabiles exitus, et rationabiles consuetudines, & rationabilia seruitia, et hoc sine destructione et vasto hominum et terrarum. Et si nos commiserimus custodiam alicuius talis frebri vel alicui alii, qui de exitibus terre illius nobis debeat respondere, et ille de custodia illa, destructionem, vel vastum fecerit, nos ab eo capiemus emendam, & terra committatur duobus leg. & discretis hominibus de feodo illo, qui de exitu terre illius nobis respondeant, vel illi cui nos [illam] assignauerimus. Et si dederimus, vel herediderimus alicui, custodiam alicuius talis frebri & ille inde destructionem fecerit, vel vastum, committatur illam custodiam, et tradatur duobus discretis leg. hominibus de feodo illo, qui similiter nobis respondeant, sicut predictum est. [Vide Gloz ca. 5. & W. 1. ca. 21]

¶ Wast. 2. ca. 5.

Custos autem predicta custodiam terre huiusmodi habuerit, sustentet domos, parcos, viuar, stagna, molendina &c. ad terram illam pertinentia, de exitu terre eiusdem, et reddat heredi, cum ad plenam etatem peruenierit, terram suam totam instauratam de carucis et omnibus aliis rebus, ad minus sicut illam recepit. Hec omnia obseruent de custodijs archiepiscopatum, episcopatum, abbatiarum, prioratum, ecclesiarum, et dignitatum vacantium, que ad nos pertinent, exceptis

A. ij.

exceptis

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except quod custod huiusmodi vendi non debent.

¶ Wardes. 2. cap. 6.

agdmont ¶ Heredes autem maritentur absque disparagacione.

¶ Women. I. cap. 7.

agned ¶ Vidua post mortem mariti sui statim et sine diffi-
cultate aliqua habeat maritagiū suū & hereditatē suā: nec aliquid det pro dote sua nec pro maritagio suo, vel pro hereditate sua habenda quam hereditatem maritus suus & ipsa tenuerunt simul, die obitus ipsius mariti sui, & maneat in capitali mesuagio mariti sui, p quadraginta dies post obitū mariti sui infra quos dies assignet ei dos sua, nisi prius ei assignata fuerit, vel nisi domus illa sit castrum, & si de castrō recesserit, statim dom⁹ ei competens provideatur, in qua possit honeste morari, quousque dos sua ei assignetur, scdm quod pced est, & habeat rationabile estouerium suū interim de cōi. Assignetur autem ei p dote sua, tertia pars tot⁹ ter t̄ mariti sui, que fuit sua in vita sua, nisi de minori fuerit dotata ad ostium ecclesie. Nulla vidua distringatur ad se maritādū | dūmod⁹ voluerit viuere sine marito | Ita tamē qd securitatem faciat, quod se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui, si de alio tenuerit | Prerogati regis ca. 4.

¶ Dette to the king. I. ca. 8.

10. 30 ¶ Nos vero vel balliui nostri, non seisimus terram aliquam, vel redditum p debito aliquo

aliquo, q̄ diu cattalla debitoris p̄sentia suffi-
ciunt ad debitum reddendū, & ipse debitor pa-
rat⁹ sit inde satisfaccere. Nec pleg [ipsi⁹] de-
bitoris distringantur, quam diu ipse capitalis
debitor sufficiat ad solutionem ipsius debiti.
Et si capitalis debitor defecerit in solutione
debiti, non habens vnde soluat, aut reddere
noluerit cum possit, plegij de debito r̄ndeant
& si voluerint habeant terras et reddit⁹ debi-
toris, quousq; sit eis satisfact⁹ de debiti, q̄ an-
tea pro eo soluerint, nisi capitalis debitor
monstrauerit se inde esse quiet⁹ versus eisdē
plegias.

¶ Fraunchises. 2. cap. 9.

¶ Civitas Londoni habeat omnes liber-
tates suas antiquas, & consuetudines suas.
Preterea volumus & cōcedimus, qđ omnes
alie civitates, burg & ville, & barones de
quinque portibus, et omnes alii portus, ha-
beant omnes libertates, & liberas consuetu-
dines suas | Articuli sup cartas. ca. 7.

¶ Tenure. I. ca. 10.

¶ Nullus distringatur ad faciendum
maius servitiū de feodo militis, nec de alio
libero tenemento, quam inde debetur.

¶ Comon plees I. ca. 11.

¶ Communia placita non sequantur curiā
nostram, sed teneantur in aliquo loco certo.
| Articuli sup cart⁹ ca. 4

¶ Assise I. ca. 12.

¶ Recognitiones de nona disseisina, et de
morte antecessoris, nō capiantur, nisi in suis
com, et hoc modo. Nos vero si extra regnū
A. 19. fuer

p. 1. 44
vito. 8m
33. 5. 8. m

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fuermus, capitales Iustici nostri mittent iustici nostros per unumquemque com sehel in anno, qui cum militibus eorundem com, capiant in comit illis assis. pzed. Et ea que in aduentu suo in illo comitatu per iustici nostros pzed ad dictas assisas capiend missos, terminari non possunt per eodem terminent alibi in itinere suo. Et ea que per eodem pzopt difficultatem aliquorum articulozum terminari non possunt, referantur ad iustici nostros de banco, & ibi terminentur.

¶ Darreine Presentment. I. cap. 13.

CAssise de vltima presentacione, semper capiantur coram Iustici de banco, et ibi terminentur.

¶ Amerciement. I. cap. 14.

Liber homo non amercietur pro paruo delicto, nisi secundum modum illius delicti, et pro magno delicto secundum magnitudinem delicti, salvo sibi conteneimento suo: et mercator eodem modo salva mercandisa sua, et villanus alterius quam noster, eodem modo amercietur salvo wainagio suo, si inciderit in misericordiam nostram. Et nulla predictarum misericordiarum penatur, nisi per sacramentum proborum & legal hominum de vicineto. Comitibus et barones, non amercientur nisi per pares suos, et non nisi secundum modum delicti. Nulla ecclesiastica persona, amercietur secundum quantitatem benefici sui ecclesiastici, sed secundum laicum ten suum, & secundum quantitatem delicti.

CBanks

¶ Banks I. Cap. 15.

¶ Nulla villa, nec liber homo distringatur
facere pōtes, aut riparias, nisi qui ab antiquo
& de iure facere consueuerunt tēpoze Henrici
regis aui nostri | al' de iure facere debent.

¶ Bankes. 2. Cap. 16.

¶ Nulle riparie defendantur de cetero,
nisi ille que fuerunt in defenso tempore Hen-
rici regis aui nostri | et | p eadem loca, et eos-
dem terminos, sicut esse consueuerūt tempore
suo.

¶ Plees of the Crowne. I. Cap. 17

¶ Nullus viē, constabularius, coronator,
vel alij balliui nostri, teneant placita corone
nostre.

¶ Dette to the king 2. Cap. 18.

¶ Si quis tenens de nobis laicum feodum
moriatur, & viē, vel balliuus noster ostendat
litteras nras patētes de | sōmonicione nostra |
de debito, q̄ defunct⁹ nobis debuit, liceat viē
vel balliui nostro attachiare, & imbreuiare
omnia bona et cattalla defuncti inuēta in lai-
co feodo ad valētiā ipsius debiti, p visum &
testimoniū leḡ hominū, ita tamē q̄ nihil inde
amoueatur, donec psoluat nobis debitū, qđ
clarum fuerit, et residuum relinquatur execu-
toribus ad faciendum testamentum defuncti
Et si nihil nobis debeatur ab ipso, omnia ca-
talla cedant defuncto, saluis vxori eius, et
| liberis | pueris suis, rationabilibus partib⁹
suis.

¶ Castels. I. Cap. 16.

¶ Nullus constabularius, vel eius balli⁹
A. iij. capiat

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capiat blada, vel alia catalla alicuius qui nō sit de villa ubi castrum suum situm est. nisi statim reddat denarios, aut respectum inde habere possit de voluntate venditoris. Si autem de villa illa fuerit infra quadraginta dies precium reddere. W. 1. ca. 7. et 31.

¶ Castels 2. cap. 20.

¶ Nullus constabularius distringat aliquem militem, ad dandum denarios pro custodiā castri, si ipse eam facere voluerit, in propria persona sua, vel per alium probū hominem faciat, si ipse eam facere non possit, propter rationabilem causam. Et si nos abduxerimus, vel miserimus eum in exercitum, sit quietus de custodia castri secundum quantitatem temporis, quo per nos fuerit in exercitu, de feodo pro quo fecit seruiciū in exercitu.

¶ Purueiours I. cap. 21.

¶ Nullus viſc vel balliuus nŕ, vel aliquis alius, capiat equos, vel carectas alicui⁹, pro cariagio faciēdo, nisi reddat liberationē antiq̃ t⁹ statutā, sc̃z ꝑ vna carecta ad duos equos decem denarios per diem, et ꝑ carecta ad tres equos quatuordecim d. ꝑ diē. Nulla carecta dominica alicuius ꝑsone ecclesiastice, vel militis, vel alicuius dñi ꝑ balliuos nŕos capiatur, nec nos, nec balliui nostri, nec alij capiemus boscum alienum ad castra, vel ad alia agenda nostra, nisi per voluntatem illius cuius boscus ille fuerit.

¶ Forfeiture. I. cap. 22.

¶ Nos non tenebimus terras illoꝝ, qui con-

convicti fuerint de feloniam, nisi per unum annum et unum diem: et tunc reddantur tertio ille dominus, feodozum. | *Prerog. regis ca. blf.*

¶ Weres. I. cap. 23.

¶ Omnes fidelis deponantur de cetero penitus p̄ Chameſiam, & Medewein, & p̄ totā Angl. nisi per costeram maris.

¶ Right. I. cap. 24.

¶ Breue quod vocatur Precip̄ in capis de cetero non fiat alicui de aliquo libero tenemento, unde liber homo perdat curiam suā.

¶ Weights. I. cap. 25.

¶ Una mensura vini sit per totum regnū nostrum, & una mensura cervicie, et una mensura bladi, scilicet quarterium Londi, et una latitudo pannorum, tinctorum, russatorū, et haubergettarū, sc̄z due vine infra listas. De ponderibus vero sit sicut de mensuris.

¶ Fine to the king. I. cap. 26.

*¶ Nihil de cetero detur, pro breui inquisitionis, ab eo qui inquisitionem petit de vita, vel de membris, sed gratis concedatur, & non negetur. | *W. 2. ca. 29.**

¶ Wardes. 3. cap. 27

¶ Si aliqui teneant de nobis p̄ feodi firmā, vel per socagium, vel burgagiū, & de alio teneant terram per seruitium militare, nos non habebim⁹ custodiā heredis, nec tert sue, que est de feodo alterius, occasione illius feodi firme, vel socagii vel burgagii. Nec habebim⁹ custodiā illius feodi firme, vel socagii, vel burgagii, nisi ipsa feodi firma nobis debeat seruitium militare. Nos non habebimus custodiā

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castodiam heredis, vel alicuius terre quam tenet de aliquo alio per seruitium militare, occasione alicuius parue seriantie, quā tenet de nobis per seruitium, reddendū nobis cultellos, sagittas vel huiusmodi.

¶ Wager of Law I. Cap. 28.

¶ Nullus balliuus de cetero ponat aliquē ad legem manifestam, nec ad iuramentū simplici loquela sua, sine testibus fidelibus, ad hoc inductis.

¶ Accusacion I Cap. 29.

¶ Nullus liber homo capiatur, vel imprisonetur, aut disseisietur de libero tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut utlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terre. Nulli vendemus, nulli negabimus, aut differemus iusticiam vel rectum.

¶ Marchants, I Cap. 30

¶ Omnes mercatores, nisi publice antea prohibiti fuerint, habeant saluum & securum conductum, exire de Anglia, et venire in Angliam, et morari, et ire per Angliam, tam per terram, quam per aquam, ad eimendū vel vendendum, sine omnibus malis tolnetis. p antiquas et rectas consuetudines, preterquam in tempore guerre. Et si sint de terra contra nos guerrina, et tales inueniantur in terra nostra, in principio guerre, attachientur sine damno corporum suorum, vel rerum, donec sciatur a nobis, vel a capitali Iustici nostro, quo-

Magna Charta. fo. 6

quomodo mercatores terre nostre tractantur, qui tunc inueniantur in terra illa contra nos guerrina. Et si nō salui sint ibi, alij salui sint in terra nostra.

¶ Tenure. 2. Cap. 31.

Si quis tenuerit de aliqua escaeta, sicut de honore Walingforde, Noting. Boloñ, [Lant] & de alijs escaetis, que sunt in manoscra, & sint baronie, et obierit, heres eius non det aliud releuim, nec faciet nobis aliud seruiciū quā faceret baroni, si illa baronia esset in manu baronis, et nos eodem modo eā tenebimus, quo baro eam tenuit. Nec nos occasione talis baronie vel escaete habebim⁹ aliquam escaetam, vel custodiam aliquorum nostrorum hominum, nisi de nobis alibi tenuerit in capite ille qui tenuit de baronia vel escaeta illa.

¶ Tenure. 3. Cap. 32.

Nullus liber homo det, de cetero amplius alicui, vel vendat alicui de terra sua, quā ut de residuo terre sue possit sufficienter fieri domino feodi seruitiū ei debitum, quod pertinet ad feodum illud.

¶ Vacations &c. I Cap. 33.

Omnes patroni abbatiarū, qui hñt chartas regū Anglie de aduocatione, vel antiquā tenurā vel possessionē, hēant earum custodiā cum vacauerint sicut habere debent, sicut superius declaratum est [ca. 5.]

¶ Appelles. I Cap. 34.

Nullus capiat imprisonment propter appellū femine de morte alterius quā viri sui.

¶ County

Magna Charta.

¶ County & Tourne. I. cap. 35.

Nullus comitatus de cetero teneatur nisi de mense in mensem. & ubi maior terminus esse solebat, maior sit | vide 2. Ed. 6. ca. 25. |
¶ Nec aliquis vicecomes vel ballivus suus facturum suum per hundredum, nisi bis in anno, et non nisi in loco debito et consueto. videlicet semel post Pascha, et iterum post festum sancti Michaelis | Et visus de francie plegio tunc fiat ad illum terminum sancti Michaelis sine occasione. Ita scilicet quod quilibet habeat libertates suas, quas habuit vel habere consuevit tempore regis Henrici avi nostri, vel quas postea perquisivit. Fiat autem visus de francie pleg. sic, videlicet quod pax nostra teneatur & quod Trithinga teneatur integra sicut esse consuevit, & quod vicecomes non querat occasiones, & contentus sit de eo quod visus habere consuevit de visu suo faciendo, tempore H. regis avi nostri. | vide Mart. ca. 10.

¶ Mortmaine I. cap. 36.

Nec liceat de cetero alicui, dare terram suam, alicui domui religiose, ita quod illam resummat de eadem domo tenens. Nec liceat alicui domui religiose terram alicuius sic accipere, quod tradat illam illi a quo eam accepit tenens. Si quis autem de cetero terram suam, alicui domui religiose sic dederit, & super hoc convincatur, donum suum penitus cassetur, et terra illa domino illius feodi incurratur | vide statutum de Religiosis. an. 3. E. 1.

¶ Escuage. I. cap. 37.

Scutagium de cetero capiat sicut capit
con-

consuevit tempore H. regis aui nostri.

¶ Fraunchises. 3. . cap. 38.

Et salue sint archiepiscopi, episcopi, abbatibus, prioribus, templariis, hospitalariis, comitibus, baronibus, & omnes alius tã ecclesiasticis personis quam secularib⁹, omnes libertates et libere consuetudines quas prius habuerunt. Omnes autem istas consuetudines & libertates predictas quas concessimus in regno nro tenend^o (quãtũ ad nos pti= nent) erga nos et heredes nostros obseruemus, et omnes de regno nostro tam clerici q̃ laici obseruent (quantũ ad se pertinent) erga suos. Pro hac autem donatione & concessione libertat^u istarũ, & aliarũ libertat^u contentarũ in Charta nostra de libertatib⁹ foreste, archiepiscopi, episcopi, abbates, priores, comites, barones, milites, libere tenemẽtes, & omnes de regno nostro dederunt nobis quinto decimã partẽ omniũ mobilium suorũ | vide stat^u 7. añ. 25. E. 3. | Concessimus etiã eisdem pro nobis et heredibus nris, quod nec nos nec heredes nostri, aliquid perquiremus, per quod libertates in hac Charta contente infringantur vel infirmentur. Et si ab aliquo contra hoc aliquid perquisit^u fuerit, nihil valeat et pro nullo habeatur. His testibus Bonifacio Cantuarien^{si} Archiepiscopo E. Londoni Episcopo et alijs. Dat^u apud Westm^{onasterium} decimo die Februarij. Anno regni nostri nono.

Nos autem donationes et concessiones predictas ratas habentes, & gratas, eas pro nobis

Charta de Foresta.

nobis et heredibus nostris, concedimus & cōfirmamus, easq; tenore presētium innouam⁹ volentes et concedentes pro nobis et heredibus nostris, quod Charta nostra p̄d in omnibus & singulis suis articalis in perpetuum firmiter et inuiolabilitur obseruetur, etiam si aliqui articuli in eadem Charta contenti, hucusq; forsitan non fuerint obseruati de cetero obseruentur. His testibus venerabilibus patribus R. Cantuarien̄ Archiepiscopo totius Anglie p̄m̄ati A. Dunelm̄ Episcopo &c. Datum per manum nostram apud Westmonasterium xxviij. die Martij. Anno regni nostri vicesimo octauo. [Vide Harleib ca. 5.]

¶ Charta de Foresta edita, Anno Henrici. iij.



Edwardus dei gratia rex anglie. Dominus Hibern̄, & dux Aquitan̄. archiepiscopis, episcopis, abbatibus, prioribus, cōm, baron̄, Iustic̄ forrestarijs / vic̄, p̄positis, ministris, & omnibus balliuis, & fidelibus suis salutem. Insperimus chartam domini H. quondam reg. Anglie partis nostri, de foresta in hec v̄ba Henricus dei gratia &c. vt supra in principio Magne Charta.

¶ Foresta

Charta, de Foresta fo. 8

Forest.

cap.

In primis omnes Foreste, quas H. au⁹ noster afforestauit, videantur per bonos & leg⁹ homines. Et si boscum aliquem alium q⁹ suū dñicū afforestauerit, ad damnū illi⁹ cuius boscus ille fuerit, statim deafforestet. Et si boscū suū propriū afforestauerit, remaneat foresta, salua coīa de herbagio, & aliis in eadem foresta, illis qui prius eam habere consueuerunt.

2 Homines vero qui manēt extra forestā non ueneant de cetero corā iusticiē nostris de foresta p⁹ cōes sūmonitiones, nisi sint implacitati, vel plegij alicuius vel aliquorū, qui attachiati sunt propter forestam.

3 Omnes autem bosci qui fuerint afforestati per regem Ricm auunculum nostrū, vel per regem Johannem patrem nostrum usq⁹ ad primā coronationem nostrā, statim deafforestentur, nisi sit dominicus boscus noster.

4 Archiepiscopi, episcopi, abbates, priores, comites, barones, milites, et liberi tenentes qui habent boscos suos in forestis, habeant boscos suos, sicut eos habuerunt tempore prime coronacionis regis Henrici aui nostri ita qd⁹ quieti sint in perpetuum, de omnibus purpresturis, bastis, & assertis, factis in illis boscis post illud tempus usque ad principium secundi anni coronacionis nostrē. Et qui de cetero vastum, purpresturam, vel assertum, (sine licencia nostra) in illis fecerint de bastis, purpresturis & assertis nobis respōdeant.

5 Regar=

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J. 3.

Charta de Foresta.

5 **R**egardatores nostri, eant per forestam ad faciendum regardum, sicut fieri consuevit tempore prime coronationis regis h. aui nri & non aliter.

6 **I**nquisitio vel visus de expeditatione canum existentium in foresta nostra, de cetero fiat qñ fieri dñ regardum, scz de tercio anno in tercium annum. Et tunc fiat p visum & testimonium leg. hoim, et non aliter. Et ille cuius canis inuentus fuerit tunc non expeditatus det pro mia tres solidos. Et de cetero nullus bos capiatur pro expeditatione canum. Talis autem expeditacio fiat per assisam comunitate visitatam, videlicet quod tres ortelli abscindantur sine pellota de pede anteriori. Nec expeditent canes de cetero, nisi in locis ubi consueuerunt expeditari tempore prime coronationis pñd regis h. aui nostri.

7 **N**ullus forestarius, vel al' balliuus de ceter faciat scotalas, vel colligat harbas, vel auenā, vel bladū aliquod, vel agnos, vel porcellos, nec aliquam collectā faciat, nisi p visum et sacm xij. regardatorū, quando faciūt regardū. Tot forestarij ponantur ad forestas custodiendū quot ad illas custodiendū rōnabiliter viderint sufficere.

8 **N**ullum Swanmotum de cetero teneat in regno nostro, nisi ter in anno, videlicet in principio xij dierum ante festum sancti Michaelis, quādo agistatores nostri conveniunt ad agistandū dñicos boscos nostros & circa festum Sancti Martini in Hieme qñ agistatores nri debent, recipere pannagium nostrum

Charta de foresta. fol. 9.

nostrum. Et ad ista dua swanimota conueniant forestarij, viridarij, & agistatores, & nulli alij p distinctionem. Et tertiū swanimotū teneatur in initio .xv. dierum ante festum sancti Johannis Baptiste, pro venacione bestiarum nostrarum. Et ad illud swanimotū tenendū conueniant forestarij, viridarij, & non alij p distinctionem. Preterea singulis .xl. diebus per totū annū conueniant forestarij, et viridarij, ad videntū attachiamenta de foresta, tam de beridi quam de venatione, p plesationem ipsorū forestariorum, & coram ipsis attachief. Predicta autē swanimota non teneantur nisi in com. in quibus teneri consueuerunt.

9 ¶ Unusquisq; liber homo, agisset boscū suū in foresta p volūtate sua, & habeat pangenagium suum. Concedim⁹ etiā q. vnusquisque liber homo ducere possit porcos suos p dñicum boscū nēm, libere & sine impedimēto ad agistand⁹ eos in boscis suis p prijs, vñ alibi vbi voluerit. Et si porci alicuius liberi hominis vna nocte pernoccauerint in foresta nostra, non inde occasiones vnde aliquid de suo perdat.

10 ¶ Nullus de cetero amittat vitam, vñ membra p venatione nra. Sed si quis capt⁹ fuerit & conuict⁹ de captione venationis nre, granit redimat, si habeat vnde redimi possit. Si autem nō habeat vnde redimi possit, iaceat in prisione nra p vnum annum & vnū diem. Et si post vnū annū & vnum diem pleg. inueniri possit | quod amplius de venatione

Charta de foresta.

natione nostra non forissaciet | exeat de prisona, sin autem, abiuret regnum Anglie.

11 ¶ Quicunq; archiepiscopus epus, com, vel baro, veniens ad nos ad mandat nostru, transierit per forestam nostram, liceat ei, capere unam bestiam, vel duas, per visum forestarii si presens fuerit, sin autem faciat cognare, ne videat hoc furtive facere. Hoc idem liceat eis redeundo facere, sicut predictum est.

12 ¶ Unusquisq; liber homo de cetero sine occasione faciat in bosco suo, vel in terra sua siue in aqua q̃ hēt in foresta nostra, molendū vinat, stagnū, marleram, fossat, vel frā arabile extra coopart in terra arabili, ita quod non sit ad nocimentū alicui⁹ vicini.

13 ¶ Unusquisq; liber homo habeat in boscis suis aereas accipitrū, espernatū falconū, aquitarū, et hieronū. Hēat similiter mel, qd inueniē fuerit in boscis suis.

14 ¶ Nullus forestari⁹ de cetero, qui non sit forestarius de feod, reddens nobis firmā p balliua sua, capiat chimmagium aliquod in balliua sua. Forestarius autem de feodo firmā nobis reddens pzo balliua sua, capiat chimmagium, videlicet pzo carecta per dimidū annum duos denarios, et per alium dimidiū annum, duos denarios, et p equos qui portet summagiū per dimidū annum obulū, & p aliū dimidiū annū obulum, & nō nisi de illis, q̃ de extra balliua suā, tanq̃ mercatores veniunt p licenciā suam, in balliua suā, ad boscu marremū, corticē, vel carbonē emend, et alibi ducend

Charta de foresta. fol. 10.

ducendū ad vendendum ubi voluerint. Et de
nulla alia carecta, vel equo portante summa-
gii aliqd chimmagium capiatur. Et nō ca-
piatur chimmagiū, nisi in locis in quib⁹ an-
tiquitus capi solebat et debuit. Illi autem q̄
portant supra dorsum suum boscum, cozeicē
vel carbonem ad vendēd, q̄uis inde viuunt,
nullum de cetero dent chimmagiū forestarijs
nostris, p̄ter q̄ in dominicis boscis nos-
tris.

15 ¶ Omnes vtlagati pro foresta tantum/
a tempore regis H̄ aui n̄ri vsq; ad primam
cozonationem n̄ram, veniant ad pacē n̄ram
sine impedimento, et saluos pleg. nobis inue-
niant, quod de cetero non forissacient nobis
in foresta nostra.

16 ¶ Nullus constabularius, castellan⁹,
vel balliuus teneat placita de foresta, siue de
viridi, siue de venatione nostra sed quilibet
forestarius de feodo attachiet placita de fo-
resta, tam de viridi quam de venatione, & ea
p̄sentet viridarijs prouinciarū, et cū irro-
tulata fuerint, et sub sigillis viridarioꝝ
inclusa, p̄sententur capitalibus iusticijs nostris
de foresta, cum in partes illas venerint ad
tenendū placita de foresta, et corā eis t̄minēt.
Has aut libertates de forestis concessim⁹ o-
nib⁹ ec. Saluis archiepis, episcopis, abba-
tib⁹, priozib⁹, com̄, baronib⁹, militib⁹, et alijs
p̄sonis tam ecclesiasticis quam secularibus,
tēplarjs, et hospitalarjs, libertatibus & li-
beris consuetudinib⁹ in forestis, et extra, in
Warennis et alijs, quas prius habuerunt:

Statutum de Merton.

Omnes autē istas cōsuetudines &c. vt in fine magne Charte. Nos aut donationes &c. vt in fine eiusdem magne Charte &c. | Vide Harlebr̄, cap. 5.

¶ Incipit Statutum de Merton
editū Anno. xx. Hen. iii. &c.

Donisum est in Curia domini regis apud Merton, die Mercurij, in crastino sancti Vincentij, anno regni regis Hērici filij regis Johannis xx. coram W. Cantuarien., si archiepiscopo, et coepiscopis, suffraganeis suis, et coram maiori parte comitum & baronū Anglie ibidem existentium, pro coronatione ipsius domini regis et Helionore regine, p qua omnes vocati fuerunt, cum tractatum esset de communi vtilitate regni super articulis subscriptis, ita prouisum fuit & concessum, tam a predictis archiepiscopis, episcopis, comitibus, baronibus, quam ab ipso rege, et alijs.

¶ Dower. I. Cap. I.

De viduis primo, que post mortem virorum suorum, expelluntur de dotibus suis, et dotes suas, vel quarentenam suam habere non possunt sine placito, videlicet quod quicumq; desorciauerit eis dotes suas, vel quarentenam suam, de tenementis de quib⁹ viri sui obierint seisiť, et ipse vidue postea p placitum recuperauerint, ipsi desorť de iniusto

Statutum de Merton. fol. 11.

iniusto deforciamēto conuicti fuerint, red-
dant eisdem viduis damna sua, scilicet valo-
rem totius dotis eas contingentis, a tempo-
re mortis viroꝝum suozum, vsq; ad diē quo
ipse vidue per iudiciū curie seisinam suam
inde recuperauerint. Et nihillominus ipsi
deforciatores sint in misericordia domini
regis.

¶ Willes. I. Cap. 2.

¶ Item omnes vidue de cetero possint le-
gaŕ blada sua, de terra sua, tam de dotib⁹ su-
is, q̄ de alijs terris et tenementis suis, sal-
uis consuetudinibus & seruitijs dominoꝝū
de feodo, que de dotibus & alijs ten̄ suis de-
bentur.

¶ Redisseisin. I. Cap. 3.

¶ Item si quis fuerit disseisī de libero ten̄
suo, & corā iustī itinerantibus seisinam suā
recuperauerit, p̄ assisam noue disseisine, vel
per recognitionem eozum qui fecerint dissei-
sinam, et ipse disseisitus per viē seisinā suā
habuerit, si idē disseisitores postea, post iter
iustī vel infra, de eodem ten̄ iterum eundē
conquerentem disseisinerint, et inde conuicti
fuerint, statim capiantur et in p̄sona domi-
ni regis detineantur, quousq; per dominum
regem per redemptionē, vel aliquo alio mo-
do, deliberentur. | Vide Harlibē capit. 8. |
Et hec est forma qualī tales conuicti puni-
ri debeant, videlicet cū cōquerentes ad curiā
veniant, habeāt b̄te dñi regis viē directam,
in quo contineatur eozum narratio de dissei-
sina facta super disseisinam. Et ideo mandet

W. iij.

viē

biſ, ꝓ aſſūptis ſecum cuſtodib⁹ placitoꝝꝝ
 coꝝꝝne dñi regis, & aliis legalib⁹ militib⁹, in
 ꝓpria ꝓſona ſua accedat ad teñ illud, vel ad
 paſtoram illam, de quib⁹ facta fuerit quere-
 la, et coꝝā eis ꝓ ꝓrimos iuratoꝝꝝ, et ꝓ ali-
 os vicinos, et legales homines | de vicineto
 illo | diligētem inde faciat inquiſicionem. Et
 ſi ipſam iterum inuenerint diſſeiſiti (ſicut
 ꝓdictum eſt) tunc faciant ſecundum ꝓu-
 ſionem ꝓdictam, ſin autem, tunc ſit con-
 querēſ in miſericoꝝdia domini regis, & ali⁹
 quietus recedat. Nec debet biſ (ſine ſpecia-
 li ꝓcepto dñi regis) huiuſmodi loquelam
 ꝓſequi. Eodem modo fiat de illis, qui ſeiſi-
 nā recuperauerint ꝓ aſſiſā moꝝtis āteceſſo-
 ris, et ſimiliter de omnibus terris & teñ re-
 cuperatis ꝓ iurañ in curia domini regis, ſi
 ꝓſtea diſſeiſiti fuerint a ꝓioꝝibus deſoꝝcia-
 toꝝibus, verſ⁹ quos recuperauerint ꝓ iu-
 rañ quoquo modo, | vide W. 2. ca. 26.

¶ Approuements. I. Cap. 4.

¶ Item quia multi magnates Anglie, q̄ fe-
 offauerunt milites et | alios | libere tenentes
 ſuos de paruis teneꝝmentis in magnis ma-
 nerijſ ſuis, queſti fuerunt, quod commodū
 ſuum facere non potuerunt de reſiduo ma-
 nerioꝝꝝ ſuoꝝꝝꝝ, ſicut de baſtis, boſcis, et
 paſturis | communibus | cum ipſi feoffati ha-
 beant ſufficientem paſturam, quantum ꝓ-
 tinet ad teñ ſua | ita | ꝓꝝuiſam eſt, et con-
 ceſ-
 ſum, quod quicunq; huiuſmodi feoffati aſſi-
 ſam noue diſſeiſine deferant de communia
 paſture ſue, et coꝝā iuſtiñ recognitum fuerit
 quod

quod tantam pasturam habeant, quantum sufficit ad tenē sua, et quod habeant liberum ingressum et egressum, de liberis tenementis suis, usque ad pasturam suam: tunc inde sint contenti, et illi de quibus conquesti fuerint recedant quieti, de hoc quod commodū suū de terris, vastis, boscis, et pasturis fecerint. Si autem dixerint, quod sufficientem pasturam non habeant, vel sufficientem ingressū vel egressum, quantum pertinet ad tenē sua, tunc inquiratur veritas per assisam. Et si passisam recognitum fuerit, quod per eosdem deforciatores, in aliquo fuerit impeditus, eorum ingressus vel egressus, vel quod non habeant sufficientem pasturam, et sufficientem ingressum et egressum, sicut predictum est: tunc recuperent seisinam suam, per visum iuratorum, ita quod per discretionem & sacramētum eorum, habeant conquerentes sufficientem pasturam, et sufficientem ingressum et egressum in forma predicta, & disseisatores sint in mīa dñi regis, & damna reddāt, sicut reddi solent ante provisionem istam. Si autem recognitum fuerit passisam, quod querentes sufficientem habeant pasturam, cū libero & sufficienti ingressu et egressu, sicut predictū est: tunc licite et libere faciāt domini commodū suū de residuo, et recedant de illa assisa quieti. | W. 2 ca. 48. |

¶ Vsur. I.

Cap. 5.

¶ Similiter provisū est, & a domino rege concessū, quod de cetero non curret usure contra aliquem infra etatem existentē, a tempore

B. iij.

mortis

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dnt 100
al 100. 100
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Merton.

mortis antecessoris sui, cuius heres ipse est, usque ad legitimam etatem suam, ita tamen quod propter hoc non remaneat solutio debiti principalis simul cum usuris ante mortem antecessoris sui, cuius heres ipse est inde puenientibus.

¶ Wardes. 4. Cap. 6.

CDe herede per parentes, vel per alios, contra pacem vi abductis, vel detentis, seu maritatis, ita prouisum est, quod quicumque laicus, inde conuictus fuerit, quod puerum aut quem sic detenuerit abduxerit, seu maritauerit, reddat perdenti valorem maritagi: & pro delicto corpus eius capiatur, ut imprius netur, donec perdenti emendauerit delictum, si puer maritetur: et preterea donec domino regi satisfecerit pro transgressionem sua. Et hoc de herede infra quatuordecim annos existens. De herede autem cum sit quatuordecim annorum, vel ultra, usque ad plenam etatem, si se maritauerit sine licentia domini sui ut ei auferat maritagi suum, et dominus eius offerat ei rationabile maritagi, ubi non desperagetur dominus suus tunc teneat terram eius ultra terminum etatis sue, scilicet .xxi. annorum, per tantum tempus quod inde possit percipere duplicem valorem maritagi, secundum estimationem legalium hominum, vel secundum quod ei pro eodem maritagio prius fuerit oblatum sine fraude & malicia, & secundum quod probari poterit in curia domini regis. *¶ Am. 1. Cap. 22. vido ra*

¶ Wardes. 5. Cap. 7.

CDe dominis qui maritauerint illos quos habent

*5. d. 1. m. 2.
E. 6. d. 1. m. 2.
t. 1. d. 1. m. 2.
d. 1. d. 1. m. 2.
f. 1. d. 1. m. 2.
m. 1. d. 1. m. 2.
t. 1. d. 1. m. 2.
f. 1. d. 1. m. 2.
m. 1. d. 1. m. 2.*

habēt in custodia villanis vel alijs, sicut burgensibi desperagētur: si talis heres fuerit infra. xiiij. annos & talis etatis qđ consentire non possit matrimonio: tunc si parentes conquerantur de illo dño, dñs ille amittat custodiam vsq; ad etatem heredis, & omne commodū, quod inde perceptū fuerit, conuertat in commodum ipsius heredis qui infra etatē est, secundum dispositionem & prouisionem parentum suozū, propter dedecus ei factum. Si autē fuerit. 14. ānozū & ultra, qđ consentire poterit, et talis maritagio cōsenserit, nulla sequatur pena. Si quis heres cuiuscunq; fuerit etatis pro dño suo se noluerit maritare, non compellat hoc facere sed cū ad etatem puenerit, det dño suo & satisfaciat ei de tanto quantū inde percipere posset ab aliquo p maritagio suo antequā terrā suam recipiat, et hoc siue se voluerit maritare, siue non: quia maritagium eius, qđ infra etatem est de mero iure pertinet ad dominum feodi.

¶ Limitac. I.

Cap. 8.

¶ De narratione discens in breui de recto ab antecessore a tempore H. regis senioris āno & die, prouisū est qđ de cetero nō fiat mētio de tam longinquo tempore, sed a tempore H. regis aui nostri, & locū habeat ista puiſio ad Wenthewosten Anno regni dñi regis nūc. xxi & non antea: & breuia prius impetrata procedant. Breuia mortis antecessoris, de natiuitis, & de Ingressu, non excedant ultimū redditū dñi regis Johānis de Hibernā in Angliam, et locum habeat ista puiſio &c. ut sup
Breuia

Merton.

Breuiā noue diſſ, non excedāt primā trāſſ.
dñi regis qui nunc eſt in Maſcoñ, & locū ha=
beat iſta puiſio a tēpoze p̄dicto, & breuiā pri⁹
impetrata procedant. | Vide. W. 1. cap. 39. et
32. H. 8. cap 2.

¶ Baſtardy. I. Cap. 9.

¶ Ad b̄re regis de Baſtardia utrū aliquis
natus ante matrimoniū habere poterit here=
ditatem, ſicut ille q̄ natus eſt poſt matrimo=
niū, reſponderunt oēs epiſcopi, quod nolunt
nec poſſunt ad iſtud breue reſpondere, q̄ hoc
eſſet contra communem formam eccleſie. Et
rogauerunt omnes epiſcopi magnates, ut cō=
ſentirent, quod nati ante matrimoniū eſſent
legitimi, ſicut illi qui nati ſunt poſt matrimo=
niū. quantum ad ſucceſſionem hereditariam,
quia eccleſia tales habet p̄o legitimis. Et
oēs comites & barones vna voce reſpōderūt
qđ nolunt leges Anglie mutare, que hucusq̄
vſitate ſunt & approbate.

Attorney. I. Cap. 10.

¶ Prouiſum eſt inſuper, quod quilibet li=
ber homo, qui ſectam debet ad com, trithin=
gū, hundzed, et wapent, vel ad curiam do=
mini ſui, libere poſſit facere attozñ ſuum, ad
ſectas illas p̄ eo faciendas.

Foreſts. 17. Cap. 11.

¶ De malefactoribus in parcis & viuarijs
nondū eſt diſcuſſum, quia magnates petie=
runt p̄opriam p̄iſonam de illis, quos ca=
perent in parcis et viuarijs ſuis. Quod
quidem dominus rex contradixit, et ideo
differtur.

¶ Dies

¶ Dies commuues in bāco, edit
Anno. li. Henrici. iii.

¶ Dayes in bank. i.

Cap. i.

Si bñe venerit in oct̃ s̃cti Micha-
elis, tunc dabit̃ dies in octab. sancti
Hilarij. Si in quindena s̃cti Mi-
chael, in quindena sancti Hilarij.
Si tribus septimanis sancti Michaelis, in
crastino Purificationis beate Marie, Si in
mense sancti Michaelis in oct̃ Purificatio-
nis beate Marie. Si in crastino animarum,
in quindena Pasche. Si in crastino sancti
Martini in tribus septimanis Pasche. Si
in octab. s̃cti Martini in mense Pasche. Si
in quindena sancti Martini, in. v. septiman.
Pasche. Et est quidam dies specialiter dat⁹
in crastino Ascencionis domini, et tñ valet
quātū. v. septim̃ Pasche. Si in octab. sancti
Hil' in oct̃ sancte Trinitatis. Si in xv. s̃cti
Hil' in. xv. s̃cte Trinitatis, et aliqñ in cra-
stino sancti Johannis Bap. Si in crastino
Purificat̃ beate Marie, in crastino, et in oc-
ta s̃cti Johānis Bap. Si in octab. purific̃
in xv. sancti Johannis Bap. Si in quinde-
na Pasche, in octa sancti Michaelis. Si in
tribus septim̃ Pasche in quindena s̃cti Mi-
chaelis. Si in mense Pasche, in tribus sep-
timanis sancti Michaelis. Si in. v. septima-
nis Pasche vel in crastino Ascencionis do-
mini, in mense sancti Michaelis, si in octab.
sancte Trinitatis, in crastino animarum.
Si

Dies communes

Si in quindena sancte Trinitatis, vel in crastino sancti Iohannis Bapt in crastino sancti Martini. Si in octa sancti Io. Bapt in octa sancti Martini. Si in quindena sancti Iohannis Bapt. in quindena sancti Martini. Et sic respondet quilibet terminus alii. Vide 32. 8. cap. 21.

¶ Dies communes in banco in placito dotis edit. An. li. H. 3.

¶ Dayes in banke. 2.

Si in octa. sancti Michaelis bene venerit, dabitur dies in crastino animarum. Si in quindena sancti Michaelis, dabitur dies in crastino sancti Martini. Si in mense sancti Michaelis in. xv. Martini. Si in crastino animarum in oct sancti Hillarj. Si in crastino Martini in. xv. Hillarj. Si in oct Martini. in crastino Purificationis. Si in quindena Martini, in oct Purific. Si in oct Hillarj, in. xv. Pasch. Si in quindena Hill, in tribus septim Pasch. Si in crastino Purific, in mense Pasch. Si in oct Purificationis, in crastino Ascensionis. Si in quindena Pasche, in oct Trinitatis. Si in tribus septim Pasche, in xv Trinitatis. Si in mense Pasche, in crastino sancti Iohannis Baptiste. Si in v. septim Pasche in oct sancti Iohannis. Si in crastino Ascencionis dñi in xv. sancti Iohannis
Si

Si in octabis Trinitatis in octabis sancti Michaelis. Si in quindena sancte Trinitatis. in. xv. sancti Michaelis. Si in crastino sancti Iohannis Baptiste, in. iiii. septim sancti Michaelis. Si in octab. sancti Iohannis Baptiste, in mense sancti Michaelis. Si in quindena sancti Iohannis Baptiste, in crastino annuatum. | Vide. 32. H. 8. ca. 21.

¶ Statutū de Marlebridge edit
anno. lii. H. iii.



Anno gratie M. C. Cxvñ. regni autē dñi Hēd filij regis Iohānis quinquagesimo scdo, in octa. sancti Martini prouidente ipso dño rege, ad regni sui Anglie meliorationem, et exhibitionem iusticie (pout regalis officij ex poscit utilitas) pleniorē, conuocatis discretioribus eiusdem regni, tam maioribus quam minoribus, prouisum est, et statut. ac cōcordatum et ordinatum, vt cum regnum Anglie multis tribulationibus & dissensionum incommodis nuper esset depressum, reformatione legum & iurium (quibus pax & tranquillitas incolarum conseruetur, indigeat, ad qd remedium salubze per ipsū regem & suos fideles oportuit adhiberi : prouisiones, ordinationes, et statuta subscripta, ab omnib⁹ regni ipsius incolis, tam maioribus quā minoribus, firmiter et inuolabiliter tēporibus perpetuis

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perpetuis statuerit obseruari.

¶ Distres. I. Cap. I.

Cum autem temporeurbationis nuper in regno Anglie suborte, & deiceps, multi magnates, et alij iusticiam indignati fuerint, recipere per dominum regem & curiam suam, prout debuerunt, et consueuerunt temporibus predecessorum ipsius domini regis et etiam tempore suo: sed de vicinis suis, et alijs p seiplos graues vltiones fecerint, & districtiones, quousq; redemptiones receperint ad voluntatem suam. Et preterea quidam eorum, se per ministros domini regis iusticiari non permittunt, nec sustineant qd per ipsos liberentur districtiones, quas auctoritate propria fecerint ad voluntatem suam: prouisum est, concordat, et concessum, qd tam maiores quam minores, iusticiam habeant et recipiant in curia domini regis: Et nullus de cetero vltiones, aut districtiones faciat p voluntatem suam, absq; consideratione curie domini regis, si forte damnum vel iniura sibi fiat, vnde emendas habere voluerit de aliquo vicino suo, sine maiore sine minore. Super articulo autem supradicto prouisum est et concessum, qd si quis de cetero vltiones huiusmodi capiat p voluntatem suam [propria] absq; consideratione curie dñi regis (ut pdictum est) et inde cōmencatur, puniatur p redemptionē, et hoc secundū quantitatem delicti. Et similiter si vicinus sup vicinū suū faciat districtionē, sine cōsideratione curie dñi regis, p qd damnum habeat, puniatur eodem modo, et hoc

hoc secundū quantitatem delicti. Et nihilo-
minus fiant emende plene & sufficienter eis,
qui damna sustinuerint p huiusmodi distric-
tiones.

¶ Distres. 2. Cap. 2.

¶ Nullus insuper maior vel minor distin-
gat aliquem ad veniendū ad curā suā, q nō sit
de feodo suo, aut sup ipsū nō habeat iurisdic-
tionē p hundzed / wapētāg. / vel balliuā, / que
sua sit / nec districciones faciat extra feodum
suū, seu locū ubi balliuam habeat vel iuris-
dictionē. Et qui contra hoc statutū fecerit,
puniatur eodē modo, et hoc secundum delicti
quantitatē, / et etiā qualitatem.

¶ Distres. 3. Cap. 3.

¶ Si quis autem maior vel minor, pmit-
tere noluerit liberari per ministros domini
regis, secundū legem et consuetudinem reg-
ni, districciones quas fecerit: aut etiam susti-
nere noluerit summonitiones, attachiamēta,
executiones iudiciozū curie domini regis fi-
eri / secundum legem et consuetudinē regni ut
pzeb est / puniatur modo predicto, tanquā se
iusticiari non permittens, & hoc secundū de-
licti quantitātē. Et si quis maior vel minor
districciones faciat sup tenentē suū, p serui-
cijs & consuetudinib⁹, que sibi deberi dicat,
vel pro re altera, unde ad dñm feodi ptineat
districciones facere, et postea cōvincat, qd
tenēs ea sibi nō debeat: nō ideo puniat dñs
p redemptionē, ut in supradictis casib⁹, si p-
mittat districciones deliberari secundū legē
et consuetudinem regni: sed amercietur,
velut

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velut hactenus consuetum est, et tenens dā-
na sua recuperet versus eū.

¶ Distres. 4. Cap. 4.

Nullus de cetero faciat ducere distric-
tiones, quas fecerit, extra comitatum in quo
capte fuerint. Et si vicinus hoc fecerit super
vicinum suum, et per voluntatem suam, et
sine iudicio, puniatur per redemptionem vt
supra, veluti de re facta contra pacem. Me-
runtamen si dominus hoc super tenentem
suum facere presumpserit, castigetur p gra-
uem misericordiam. Distractiones insup sint
rationabiles, et non nimis graues. Et qui
distractiones fecerint irrationabiles, et inde-
bitas, grauiter amercientur propter excessū
distractionū ipsarum. | Vide statutum anno. 1
6. 2. P. & W. cap. 13.

¶ Confirmacion. I. Cap. 5.

Magna Charta in singulis suis articu-
lis teneatur, tam in his que ad regem perti-
nent, quam que ad alios, et hoc coram iustitē
itinerantibus in suis itineribus, & vñ i corā
suis, cum opus fuerit, demandetur & breuia
versus eos qui contrauenerint gratis cōces-
dantur coram rege, vel coram iustitē de bans-
co, vel coram iustitē itmerantibus cū in par-
tes illas venerint. Similiter Charta de fo-
resta in singulis suis articulis teneatur, et
contrauenientes per dñm regem cum con-
uicti fuerint grauiter puniā modo supra d.

¶ Wardes. 6. Cap. 6.

De his autem qui primogenitos & he-
redes suos infra etatem existentes feoffare
solent

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solent de hereditate sua, vt per hoc amitterēt
 dñi feodozum custodias suas. Promissum est
 concordatum et concessū, quod occasione hu-
 iusmodi [falsi] feoffamenti, nullus capitalis
 dominus amittat custodiam suam. De his
 insuper qui de terris suis, quas tradere valu-
 erint ad terminum annozum, vt per hoc do-
 mint feodozum amittāt custodias suas, falsa
 fingunt feoffamenta cōtinētis, qđ eis satisfac-
 tū est de summa seruitij in illis contenti vsq̃
 ad terminum aliquem: ita quod si ad dictum
 terminum soluere teneantur huiusmodi feof-
 fati summam aliquam ad valorem terrarum
 illarum, vel in multo excedentem, vt sic post
 terminum illum terra eozum reuertatur ad
 ipsos, vel ad heredē suos, eo quod nemo eam
 pro tanto tenere curaret. Promissum est, con-
 cordatum et concessū, vt per huiusmodi frau-
 dem nullus capitalis dñs amittat custodiam
 suam. Verumtamen non licebit eis huiusmo-
 di feoffatos sine iudicio disseisire: sed breue ha-
 beant de huiusmodi custodia sibi reddenda. et
 per testes in cartis de huiusmodi feoffamento
 contentos, vna cum alijs liberis & legal' ho-
 minibus de patria, et per quantitatem & valo-
 rem tenē, et p̃ quantitatem summe, que inde
 reddi debeant post terminum [predictū] at-
 tingatur vtrum huiusmodi feoffamenta bo-
 na fide facta sint, an in fraudem, ad auferendū
 capital' dñis feodozum custodiam suam. Si
 vero capital' domini per iudicium curie inhu-
 iusmodi casibus recuperauerint custodiā su-
 am, salua, sit nihilominus huiusmodi feoffatis

C. j.

actio

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actio sua, quod ad terminum, seu ad scodū recuperandū, quam inde habuerint cum heredes ad legitimam etatem peruenerint. Et si aliqui capitales domini feoffatos aliquos maliciose implacitauerint, fingentes casum istum, maxime ubi feoffamenta legitime et bona fide facta fuerint, tunc adiudicentur feoffatis dāna sua, & misc sue, quas fecerint occasione p̄dicti placiti, & ipsi actozes p̄ mīam grauiterpuniantur.

¶ Wardes. 7. Cap. 7.

¶ In placito vero communi de custodijs, si ad magnam distractionem non venerint deforciatores, tunc bis, vel ter iteretur breue p̄dictū ad terminos, quibus fieri poterit, infra medietatem anni sequentē, ita q̄ singulis vicibus legatur breue in pleno cōm. | nisi al' ubi | prius inuentus fuerit deforciator. Et ibi publice denunciet, ut veniat ad diem sibi p̄fixū. Quod si ipse extunc se subtraxerit, ita qd̄ infra medietatem anni p̄dicti responsū nō venerit, nec biē eum inuenire possit, p̄ quod corpus suum habere non possit coram iusticē, ad respondendū scdm̄ legem & cons. regni, tunc tanq̄ rebellis, & se iusticiarij non permittens amittat seisinam huiusmodi custodie, salva sibi alias actione sua, si forte ius habeat ad eandem. In casibus autē ubi custodie pertinent ad custodes heredū infra etatē existentium | versus custodes illas | petatus custodiem que accidit hered' | illis | tanquam pertinentē ad eorum hereditates, non amittant huiusmodi heredes infra etatem existentes hereditatē suam

suam per negligentiam, vel rebellionē suorum
custodū, sicut in casu predicto, sed currat lex
communis eodem modo quo prius currere cō-
suevit.

¶ Redisseisine. 2. Cap. 8.

¶ Illi autem qui pro iterata disseisina capti
fuerint, & detenti, non deliberentur sine speci-
ali precepto domini regis, et hoc per finem cū
dñō rege inde factendū pro huiusmodi transg-
sua. Et si compertum fuerit quod vidē aliter
eos deliberauerit, propter hoc grauer a-
mercetetur, et nihilominus illi qui per vicecom-
item, sine precepto domini regis, sic delibe-
rantur, pro sua transgressionē grauer pu-
niantur. | Hertou. capitul. 3. Westm. 2. capi-
tulo. 26.

¶ Suire. I. Cap. 9.

¶ De sectis vero faciendis ad curiam mag-
natum, vel ad curiam aliorum dominorum
ipsarum cur, de cetero sic obseruandum est,
quod nullus que per chartam feoffatum est,
distringat de cetero ad huiusmodi sectam fa-
ciendam ad curiam domini sui nisi per formā
| feoffamēti sui | specialiter teneatur ad sectam
illam faciendū. His autem exceptis quorum
antecessores, vel ipsi met, huiusmodi sectam
facere consueuerunt ante primam transg-
tationem predicti domini regis H. in Britaniā
a tempore cuius transg- tationis elapsi sunt
xxxix. anni, & medietas vni⁹ anni | ad tēpus |
quo huiusmodi constitutionis fuerant statu-
te. Similiter nullus feoffatus, a tempore cō-
questus | sine charta | vel aliquo alio antiquo
C. 9. feoffa-

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feoffamento distringatur ad huiusmodi sectam faciend. nisi ipsemet, vel antecessores sui, eam facere consueverunt ante primam transfectionem predictam. Qui autem per cartam p. certo servicio, veluti p. libero servicio tot solidorum annuatim p. omni servicio solvend. feoffati sunt ad huiusmodi sectam, vel ad alius, contra formam feoffamenti sui de cetero non teneantur. Et si hereditas aliqua, de qua tantum vnica secta debeatur, ad plures heredes participes eiusdem hereditatis deuoluatur, ille vero qui habet eniciam partem hereditatis illius, vnicam faciet sectam p. se et participibus suis, et alij participes sui p. portione sua, contribuant ad sectam illam faciend. Et si plures feoffati fuerint de hereditate aliqua, de qua tamen vnica secta debeatur, dominus illius feodi vnicam sectam inde habeat, nec possit de predicta hereditate nisi vnicam sectam exigere, sicut prius inde fieri consuevit. Et si feoffati illi warrantum, vel mediū non habeant, qui inde eos acquiescere debeat, tunc omnes illi feoffati, p. portione sua, contribuant p. portione sua ad sectam illam p. eis faciend. Si autē contingat, quod domini cū tenentes suos, contra hanc constitutionē, p. huiusmodi secta distringant, tunc ad queremoniam tenentium illorum attachientur eorum domini, quod ad curiam regis veniant ad hunc diem inde responsur., & vnicum inde habeant essoniam, si fuerint in regno, & incontinenti deliberentur conquerēti aueria sua, siue alie districtiones hac occasione facte, & deliberate

rate remaneant, donec placitum inde int̃ eos terminetur. Et si domini curiarū, que huius modi districtiones fecerint, ad diem, ad quem attachiati fuerint, nō venerint, vel diem, per elloniā sibi datum non obseruauerint, tunc mandetur viē quod eos ad alium diem venire faciat ad quem diem si non venerint, tūc mādetur viē quod distringat eos per omnia castalla, que habent in bañna sua, ita quod viē respondeat dñō regi de exit̃ dicte hered̃, & qđ habeat corpora eorum ad certum diem sibi p̃figendum coram Iustici. Ita quod si ad diē illum non venerint, eat pars conquerens inde sine die, & aueria sua, siue alie districtiones hac occasione facte, deliberata remaneant, donec ipsi dñi sectā illā recuperauerint per considerationē curie regis, et cessent interim huiusmodi districtiones, salvo dñis cui iur̃ suo de sectis illis recuperand̃ in forma iuris, cū inde loqui voluerint. Et cum domini curiarū inde venerint responsuri conquerentibus de huiusmodi districtionibus, & super hoc cōuincant, tunc per cons. curie dñi regis recuperent versus eos conquerentes damna sua que sustinuerint occasione districtionis p̃dicte. Simili aut̃ modo si tenētes, post hanc constitutionē, subtrahāt dominis | feodoꝝū | sectas quas facere | debeant | et quas ante tēpus p̃dict̃ transfretacionis, & hactenus facere consueverunt, tunc per eandem iusticiam & celeritatem quo ad dies p̃figend̃, & districtiones adiudicand̃, consequantur dñi curiarum iusticiam de sectis illis perquirend̃, vna cū dam-

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nis suis, quemadmodum tenentes damna sua recuperarent. Et hoc scz de damnis recuperand, intelligatur de subtractionibus sibi factis, et non de subtractionibus factis predecessozibus suis. Meruntamen dñi cū vers^o tenentes suos seisinam de huiusmodi sectis recuperare non poterunt per defaultam, sicut pzi^o fieri consuevit. De sectis autē, que ante tempus supradictum subtracte fuerunt, currat lex communis, sicut pzi^o currere consuevit.

¶ County et Tourne. 2. Cap. 10.

¶ De tournis viē pzoisum est, quod necesse non habeant ibi venire archiepiscopi, epi, abbates, pzoies, comites, barones, nec aliqui viri religiosi, seu mulieres, nisi eozum presentia ob aliquam causam specialiter exigatur, sed teneatur turnus, sicut temporib⁹ predecessozum domini regis teneri consuevit. Et qui in diuersis hant habeant testia non habeant necesse ad huiusmodi turnos venire, nisi in balliuis vbi fuerunt conuersantes. Et teneant turni secundum formam magne charte, & sicut temporibus regum Ricⁱ et Johannis teneri consueuerunt. Vide W. cap. 35.

¶ Beaupleder. I. Cap. II.

¶ Pzoisum est etiam, q nec in itinere itinē, nec in com, in hundred, nec in cū barō de cetero capiant fines ab aliquibus pro pulchre placitando, neq; pro eo q non occasionetur. Et sciendū est, q per istam constitutionem nō tolluntur fines certi, seu prestationes

ar-

arrentate a tempore quo dominus rex prius
transfretavit in Britanniam usque nunc.

¶ Dies in Banke 3.

Cap. 12.

¶ In placito vero dotis, quod dicitur unde
nihil habet, dentur de cetero quatuor dies per
annum ad minus, et plures si commodum fieri
poterit, ita quod habeant quinq; vel sex dies ad
minus per annum. In assisis [autē] ultime
presentationis, et in placito quare impedit de
ecclesiis vacantibus, dentur dies de quindena
in x. vel de tribus septimanis in tres sep-
timanas, prout locus fuerit propinquus, vel
remotus.

¶ Quare impedit. I.

¶ Et in placito quare impedit si ad primum
diem ad quem summonitus fuerit, non vene-
rit, nec essoin miserit impedito, tunc attachiet
ad aliam diem, quo die si non venerit, nec essoin mi-
serit distringat per magnam districtione superi-
datam. Et si tunc non venerit, per eius defaul-
tam scribat episcopus illius loci quod reclamatio im-
peditoris illa vice conquerenti non obsistat,
salvo impeditori alias iure suo, cum inde loqui
voluerit. Eadem lex de attachiamentis faci-
endū, in omnibus breuib; ubi attachiamētū ia-
cent, de cetero (quod ad districtiones faciendū)
firmis observet: ita tamē quod secundū attachia-
mentū fiat per meliores pleq; et postmodū vlti-
ma districtio. [vide artē sup; cartas ca. 15.]

¶ Essoine I.

Cap. 13.

¶ Et sciendū est [quod] post quā aliquis posu-
erit se in inquisitionem aliquam, que emer-
serit, vel emergere poterit in huiusmodi

C. iiij:

breuib;

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brevibus, non habebit nisi unicum effonū, vel unicum defaultam, ita quod si ad diem sibi datum per effonum suum non venerit, aut secundo die defaultam fecerit, tunc inquisicio illa per eius defaultam capiatur, et secundum inquisitionem illam ad iudicium procedatur. Si vero inquisitio illa capta fuerit in comitiis coram viro del coren, ad iusticiam domini regis ad certum diem est remittendū. Et si pars reus non venerit ad diem illum, tunc propter defaultam ipsius, assignetur et alius dies, secundum discretionem iusticię, et mandetur viro, quod ad diem illum faciat eum venire ad audiendum iudicium suum (si velit) secundum inquisitionem illam. Ad quem diem si non venerit, propter defaultam suam procedatur ad iudicium. Eodem modo fiat, si non venerit ad diem sibi datum per effonum suum.

Glurours. I.

Cap. 14.

De chartis vero exemptionis, & libertatis ne ponantur impetrantes in assisis, iuratis vel recognicionibus aliquibus, prout sum est, quod si adeo necessarium sit eorum iuramentum, quod sine eis iusticia exhiberi non poterit (veluti in magnis assisis, et in perambulationibus, & in cartis vel scriptis conventionum, ubi fuerunt testes nominati, aut in attingentis, vel alijs casibus consimilibus; iurati cogant, salva sibi alias libertate, & exemptione sua predicta.

Distres. 5.

Cap. 15.

Nullis de cetero liceat, ex quacunque causa distractiones facere extra feodum suum, nec in

in via regia, aut in communi strata, nisi domi-
no rege, et ministris suis, specialem antihor-
tatem ad hoc habentibus. | W. 1. ca. 16. |

¶ Mortdauncester. 1. Cap. 16.

¶ Si heres aliquis post mortem antecesso-
ris sui infra etatem extiterit, et dominus su-
custodiam terrarum, et ten suorum habuerit
si dominus ille dicto heredi, cum ad legitimam
etatem peruenerit, terram suam sine placito
reddere noluerit, heres ille terram suam per
assisam mortis antecessoris recuperabit, una
cum damnis suis, que sustinuerit propter de-
tentionem illam, a tempore quo fuit legitime
etatis. Et si heres aliquis tempore mortis an-
tecessoris sui plene etatis fuerit, et ille heres
apparens, et pro herede cognitus & inuentus
sit in hereditate illa, capitalis dominus cum
non eiciat nec aliquid ibi capiat, vel amoue-
at, sed tamen inde simplicem seisinam habeat
pro recognitione domini sui, ut pro domino
cognoscat. Et si capiat dominus huiusmodi here-
dem extra seisinam maliciose teneat, propter
quod breue mortis antecessoris, vel consan-
guinitatis oporteat ipsum impetrare, tunc
damna sua recuperet sicut in assisa no. dist.
De hereditatibus autem, que de domino re-
ge tenentur in capite, sic obseruandum est, ut domi-
nus primam inde habeat seisinam, sicut prius
inde habere consuevit. Nec heres, nec aliquis
alius in hereditatem illam se intrudat, prius
quam illam de manibus domini regis reci-
piat, prout huiusmodi hereditas de manibus
ipsius & antecessorum suorum recipi consueuerit
tem-

temporibus clapsis. Et hoc intelligatur de terris et feodis, que ratione seruicij militaris vel seriantie, siue iuris patronatus in manibus domini regis esse consueuerant. | Vide *Prerog* ca. 3. & *Glanuill* l. 7 ca. 9. fo. 5.

¶ *Wardes*. 8. Cap. 17.

¶ *Provisum* est insuper, quod si terra, que tenet in socagio, sit in custodia parentis heredis, eo quod heres infra etatem extiterit, custodi illi vassum facere non possunt, nec vendicionem nec aliquam destructionem de hereditate illa, sed saluo eam custodiant ad opus dicti heredis, ita quod cum ad legitimam etatem peruenerit, sibi respondeant de exitu dicti hereditatis, per legalem computationem, saluis ipsis custodibus rationabilibus milis suis. Nec etiam possunt dicti custodes maritagium dicti heredis dare vel vendere, nisi ad commodum dicti heredis, sed parentes dicti heredis propinquiore, qui huiusmodi custodi habuerint, a toto tempore illo a quo breuia non conceduntur implacitandi, huiusmodi custodias habent ad commodum heredum ut predictum est, sine vasso, vel exilio, vel destructione facienda.

¶ *Amercement*. I. Cap. 18.

¶ *Nullus* rector, vel inquisitor, aut iusticiarius ad assisas aliquas specialiter capiendos assignari, vel ad quereias aliquas audiendos & terminandos, de cetero habeant potestatem aliquam amerciandi pro defaulta communis summonitionis, nisi capi iusticiarius, vel iusticiarius itinerantes in itineribus suis.

¶ *Essoine*

¶ De eſſonijs autem pꝛouiſum eſt, quod in com̃, hundꝛed, aut in curia baronũ, vel alijs cũ nullus habeat neceſſe iurare pꝛo eſſonio ſuo warrantizando | bide Glanvill li. 1. ca. 12. fol. 4.

¶ Nullus de cetero (excepto domino rege) teneat placitum in curia ſua de falſo iudicio facto in cũ teſt ſuorum, quia huiusmodi placita ſpecialiter ſpectant ad coronam, & dignitatem domini regis.

¶ Pꝛouiſum eſt etiam quod ſi aueria aliquis capiantur, et iniuſte detineantur, biẽ poſt queremoniam inde ſibi factã, ea ſine impedimento vel cõtradictione eius qui dicta aueria ceperit, deliberare poſſit, ſi extra libertates capta fuerũ. Et ſi infra libertates capta fuerint hũmodi aueria, & balliui libertatis ea deliberare noluerint tũc biẽ p defectu ipſorum balliuorum ea faciat deliberari.

¶ Nullus de cetero poſſit diſtringere libere tenẽtes ſuos ad reſpõdẽd de libero tenũto ſuo nec de aliquibus ad liberũ tenũ ſuũ ſpectantibus, nec iurare faciat libere tenentes ſuos cõtra voluntatẽ ſuã, quia hoc nullus facere poſteſt, ſine pꝛcepto domini regis.

¶ Pꝛouiſum eſt etiam quod ſi balliui, qui cõpũ ſuum dominis ſuis reddere tenentur le ſubtraxerint, & terras del tenementes
non

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non habuerint per que distringi possint, tunc per eorum corpora attachient, ita quod vii in cuius balliua inuentant, eos venire faciat ad compm suum reddend.

¶ Wast. 3.

Cap. 23.

¶ Item firmanj tempore firmat suarum bastum, vendicionem, vel exitum non faciet de domibus, boscis vel hominibus, nec de aliquibus ad tñ que ab firmam habent spectat nisi specialem inde habuerint concessionem p scriptum conuentionis mētionem faciens qd hoc facere possant. Quod si fecerint, et super hoc conuincantur, damna plena restituant, et p miam grauer puniantur.

¶ Iustice in Eire. 1.

Cap. 24.

¶ Iusticiarij itinerantes de cetero non amercient villatas in itinere suo, pro eo quod singuli xij. annorum non venerint coram vii et coram, ad inquisitiones de roberies, incendijs domorum, vel alijs ad coronam spectantibus faciend, dum tñ de villatis illis veniant sufficiens, per quos inquisitiones huiusmodi plene fieri pnt, exceptis inquisitionib⁹ de morte hominis faciend, vbi omnes xij. annoru venire debent, nisi rationabilem causam habeant absentie sue.

¶ Murder. 1.

Cap. 25.

¶ Mordum de cetero non adiudicetur coram iustis, vbi infortunium tñ modo adiudicatum est, sed locum habeat mordum de interfecis per feloniam tantum, et non aliter.

¶ Voucher. 1.

Cap. 16.

¶ Provisum est quod nullus, qui coram Iustis

carta
p. 4. r.
Louches
5

Iusticiarii itinerantibus vocatur ad warrantum in placito terre, vel tenementi, amercietur de cetero, pro eo quod presentem non fuerit quando vocatur ad warrantum (excepto primo die adventus iusticiarii ipsorum). Sed si warrantus ille fuerit infra comitatum, tunc iniungatur vice, quod ipsi infra tertium diem, vel quartum (secundum locorum distantiam), faciat venire, sicut in itinere iusticiarii fieri consuevit. Et si extra comitatum maneat, tunc rationabilem habeat summonitionem xv. dierum ad minus, secundum discretionem iusticiarii, & legem communem.

¶ Mainprise and Baile. I. Cap. 27.

¶ Si clericus aliquis pro crimine aliquo vel recto quod ad coronam pertineat, arrestatus fuerit, et post modum per preceptum domini regis in balliivum traditus fuerit, vel replegiatus extiterit, ita quod hiis quibus traditus fuerit in balliivum, cum habeant coronam iusticiarii non amercientur de cetero illi quibus traditus fuerit in balliivum, nec alii plegii sui, si corpus suum habeant coronam iusticiarii, licet coram eis propter privilegium clericale respondere noluerit, vel non potuerit propter ordinarios suos.

¶ Monasteries &c. I. Cap. 28.

¶ Provisum est quod si depredationes, vel rapine aliqui fiant abbatibus, prioribus, vel alijs prelatibus ecclesiasticis, & ipsi ius suum de huiusmodi depredationibus prosequentes morte perveniant antequam iudicium inde fuerint assecuti, successores eorum habeant actiones ad bona ecclesie sue de manibus huiusmodi

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modi transgūt repetendū. Similem insuper habeant actionem succē de his que domui sue et ecclesie |recēt| ante obitum predecessorū suorum per huiusmodi violentiam fuerint subtracta, licet predicti predecessores sui ius suū prosecuti non fuerunt in vita sua. Si autem in terris, et tenementis huiusmodi religiosorum, de quibus eorum prelati obierint seisiēt bt de iure ecclesie sue, aliqui se intrudant tēpoze vacationis, successores sui bte habeant de seifina sua recuperandū, et adiudicentur eis damna sua, sicut in noua disseifina adiudicari consuevit.

Entre of Writtes I. Cap. 29.

Consilium est etiam, quod si alienationes ille, de quibus bene de ingressu dari cōsuevit, per tot gradus fiant, per quot bene illud in forma prius vlitata fieri non possit, habeant conquerentes bene ad recuperandā seifinam suam, sine mencione graduum, ad cuiuscunque manus per huiusmodi alienationes, res illa deuenerit, per bene originale, & per |commune| consilium domini regis inde prouidendum &c.

Westm̄ primer edit añ. 3.
Edwardi. i.



Ceux sont les establisshmentes le
roy Edward fitz le roy H. faits a
Westm̄, a son primer parliament
general apzès son coronement. len-
demaine de la cluse de Pasche, lan-
de son raigne 3. p son cōsēl, et par lassentm̄ts
des archeuesq, euesq, abbes, priours, coſites
barons, & iour la cōmunaltie de la t̄re illongz
somons. Pur ces q̄ n̄re seignior le Roy ad
grand volonte et desire del'estate de sō realm̄
redresser, en les choses ou miest est damende
m̄t, & ceo pur le comen profite de saint esglise,
& de sō realm̄ & pur ceo q̄ l'estate de sō realm̄
& de saint esgl̄ ad este malcement gard, & les
prelates et religious de la terre en multz des
maners greues, & le people autrement t̄rete
q̄ estre duist, & la peas meins gard, & les leis
meins b̄les, & les musselants meins panis, q̄
estre duissēt, p quoy les gētz de la t̄f doubte-
ront meins a messaire, cy ad le roy ordeigne &
establie, les choses sounscriptes, les queux
il entend dest̄ p̄ositables et couenables a
tout la roialme.

¶ Monasteries. I.

Cap. I.

¶ En primes boet le roy, & commande q̄
la peas de saint esgl̄, & de la t̄rē, soit b̄n gard
et mainteign en toutes pointes, et que com-
men d̄roituf soit fait a toutes, auxibien as
pouers come as riches, sans regard de nul
luy

luy. Et par ces que les abbés, et les meafons
 de religion de la terre ont este surcharges et
 greues malement, par le venue des graüdes
 gents et dauters, que leur biens ne sufficient
 a eux mesmes, per que les religious sont cy a
 bates & impoueres, quelz ne poient eux mes-
 mes susteign, ne la charge de charity quels
 soient faire. Purueu est qui nul ne veigne
 manger, harbarger, ne giser a meason de re-
 ligion dauter auowson, que de la laine, al cos-
 tages de la meason, sui ne soit prie et requis
 specialment par le gouverneur de la meason,
 avant quel veigne. Et que nul a les costages
 demesne, ne enf, ne veign giser encouter la
 volute ceux de la meafon. Et par cel estat nen
 tend pas le roy, que grace de hospitalite soit
 sustreit as besoignes, ne que les auowes des
 meafons les puissent par leur souët venues
 surcharger ne destruer. Purueu est ensemēt
 q nul graund ne petit, par colour de parent
 ou despecialty, ou par auter affiance, ne p au-
 ter encheson, ne courge en auter parke, ne
 peche en auter biver, ne veigne manger ne
 herberger, en meason, ne en maner ou en mea-
 son de plate, ne de home de religion, ne dautē
 enconter la volute le seignour, ou le bailife
 de costages le seignour, ne a son cost demes-
 ne. Et sil veigne, ou enter par le gree, ou
 sans le gree le seignour ou le bailife, nul saru-
 re, huis ne fenestre, ne nul maner de ferme ne
 faire ouerer, ne de pecher par soye ne p auter
 ne nul maner de vitaille ne auter chose preign
 par colour de achate, ne auterment. Et que
 nul

nul face barter blee ne prendre blee, ne nul
 maner de vitaille, ne les aus biens, ne nulluy
 prelats, home de religion, ne de auter, ne de
 clerk, ne de lay, par colour de achate, ne au-
 terment, encontre la bone volunte & le cō-
 ge de celuy, a que la chose serra, ou de gar-
 dein, deines ville, marchandise, ou de hozs.
 Et que nul preigh chivals, boefs, chares, ne
 charrets, nefes, ne bateux ne auters choses
 affaire, cariage, sans le bone volunte de ce-
 luy, a que les choses serront. Et si il par la
 bone volunte de celuy le face, loz maynte-
 nant face son gree solong le deuenāt fait en-
 tre eux. Et ceux que viendront encontre les
 establisments auantdits, et de ceo soient at-
 teints, soient aiudges a la prison le roy, & dil-
 lonques soient rentes, et punis solonques la
 quantitie et le maner du trespas, et solonques
 ceo que la roy en sa court veiet que bien soit.
 Et fait assauer que si ceux, a que le trfis fuit
 fait, boillent suer les damages, que ils auer
 resceux, lour serra agard et restore au double
 Et ceux que le trespas auerōt fait soient en-
 sement punis en le maner auantdit. Et si nul
 ne voile suer, eit le roy la suite, come de chose
 fait encontre son defence, & encontre sa
 peas. Et le roy fra enquire de an en an, si cōe
 il quidra que bien soit, queux gents eient tiel
 trespas fait. Et ceux queux serront endites p
 ceux enquests serront attaches & distreigh p
 la grande distresse de bener a certayne iour,
 que conteigne le space dune mois en la court
 bl roy ou la ou luy plerē. Et si ceux ne veigh

D.i.

a cel

Westm primer.

a cel iour ils serrount auterfoits de recherche
distreigh per mesme dist^r, de bener a un au
tour, que conteigh le space de .vi. semaynes.
Et si ceux adonques ne beignent, soient a
iudges come attaintes, et rendent le double
(per le suit del roy) a ceux queur le dam aue
ront rescue, et soyent greument rentes so
lonque le maner de trespas,. Et le roy def.
et commande, q^e nul desormes ne face mal,
dam, ne greuance a nul home de religion, p
son de saint esglise, ne a auter p encheson de
ceo que ils eient deny losto^r, ou le manger a
nulluy, ou per encheson de ceo que ascun soy
pleint en court de ceo qⁱ soit greue des ascuns
choies auantdits, et si ascun le face, & de t^e soit
attaint, soit encurrue la peine auantdit. Et
est purueu q^e ces pointes auantditz liēt aux
bien nous coñcellours, iustices de fo^rests, et
autres nous iustices, come autres gents. Et
que les poients auantdits soient mainteyg
nes, gardes, et tenus, cy defend le roy sur la
greue forsaiteure, q^e nul prelats, abbe, priour,
home de religion, ou baillif dascun de eux,
ou de auter ne rescue nul home encounter
la fo^rme auantdit. Et que nul enuoy a mea
son, ne au manoz de religion, ne de aut hōe,
gents, chivalz, ne chiēs a soiozⁿ ne nul les
rescue. Et qui le fra, pur ceo que est encoñ
ter le defence et le commandement le roy,
il serra punis greument. Unco^r est purueu
que viē ne herbergent oue nulluy, ouelsq^s plus
que cinque ou .vi. chivalz, ne que ils ne gree
nent la gent de religion, ne autres per iour
souent

souent venire, ou giser a lour measons, ne a
lour manors.

¶ Clergy. I. Cap. 2.

E Buruen est ensement que quant clarke
est prise pur rette de felony, et il soit demaũd
par lozdynary, il luy soyt lyuer, solonque
le priuiledge de saint esglise, en tiel paril cõe
ils appent, solonque la custome auant ces
hures vse. Et le roy amonest les prelates
& eux enioint en la foy q̃ ils luy doiuent, & par
la cõmon profit de la peace de la terē, q̃ ceux
queux sont endictes de tiel rette par solempn
enquest des probes homes fait en la court dī
roy, en nul man ne les deliuerēt sās due pur
gacion, issint q̃ le roy neit miste de mīt au-
ter remedy.

¶ Escape. I. Cap. 3.

E Buruen est ensement, que nul ryen de
sozmes soit demaunde, ne prise, ne leue par
viscount, ne par auter, par eschape de laroñ
ou feloñ, ielsq̃ a tant que leschape soit aiudge
par Justices errantes. Et que auterment
le ferra, cy rendra a celui, ou a ceux que cel
aueront pay, quant |que| il auēt pris & receu
& au roy au tant.

Wreke. I. Cap. 4.

De wreke de mere est accoꝝd, que la ou
home, chyen, ou chate eschap̃ visz hoꝝs de
la niese, la niese, ou batell, ou nul ryen, que
la eings fait, ne soit |aiudge| wreke, mes soiēt
les choses sauez & gardes p le vieu dī biē co-
roñ, ou al'et |del baillif l'roy, & baillifs en l's
mains ceux de la vilk. ou l'z choses sōt trouez

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issint

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Issint que si nul | sue | les biens, & puit prouet
q̄ls | soient, | ou a son seignour, ou en la gard
peris. dedeins lan et le iour, sans delay luy
soient rendus, si non, remaigne au roy, & soi-
ent prises par le viē, & corōners. et | bailles | a
la ville pur respoign deuāt iustices de s̄zeke
que appent au roy. Et la ou s̄zeke appent a
auter que au roy, si le eit per mesme le mañ.
Et que auterment fra, & de ceo soit attaynt,
soit agard al prison, et rent al volonte le roy
& rendra les dañ enlement. Et si le bayllyfe
le face. et soit disanow de son s̄fir, et le s̄fir ne
ottrie de ceo a luy, respoign le baillif, sil eyt
de quoy, et sil neit de quoy rendra le s̄fir le
corps du baillife au roy.

¶ Election .I. Cap. 5.

Et par ceo que eleccions doient estre
frankes, si defend le roy sur la grieve sozfa-
ture, que nul haute home ne auter, par poiar
des armes. ne par manaces, ne disturbe de
faire franke eleccion.

¶ Auement. 3. Cap. 6.

Et que nul citie, borough, ne ville, ne
nul home, soit amercy sans reasonable eche-
son, et solonque le quantitie de tr̄fis, cest assa-
voir franke home saue son conteneñt, mer-
chant saue sa marchandise, & villein saue son
gainage, et ceo p̄ lour piers.

¶ Purueiour. 2. Cap. 7.

Des prises des constables ou chaste-
leins faits des auters | que des gents de | la
ville, ou la chastel sont assise. Puruen est, que
nul cōstable ne chastelain desozmes nul mañ
de prise

de prise ne face dauter hom que de la bill ou son chastele est assise, & ceo soit pape, ou gree fait deins .xl. iours si ceo ne soit aſicien pprise dune au roye, ou a chastell, ou a seignour de chastell.

¶ Beaupleder. 2. Cap. 8.

Et que nul syen soyt pris par beaupled, si come auterfoits fuit defendu en temps le roy Henry pier le roy que oze est. | Harlebe cap. 11.

¶ Robbery. 1. Cap. 9.

Et pur ceo que la peas de la terre ad este feblement gard avant les heurs, pur defaut de bone suite faite sur les felons, solôqz dune man, & nosment p encheason des frâchises ou les felons sont resceux. Purueu est, q̄ tous communement soient prises, & appareilles, au commaûdement & a les summons des viē. et au crie de pais, de suer & arrester les felon, quant mest terra, auxibien deyns frâchises come de hozs. Et ceux que ceo ne ferront, et de ceo soient attaints, le roy prendra a eux greuemēt. Et si le defaut soit troue en le sñor de la frâchise, le roy le prendra a m̄ t frâchise. Et si le defaut soit troue en le bailife eit lenprisonmēt dune an, et puis soyt greument rent, et sil neit de quoy, eit lenprisonmēt de .2. ans. Et si viē coroner, ou auter baillife de franchise, ou de hozs, per lour ou p prier, ou p poies, ou p nul man daffinitie, cōcelēt, consentent, ou procurent de conceller, les felonies faits en lour baillies, ou auterment, se teignent attacher, ou arrest les missesantz

D. iij.

p la

per la ou ils purē ou auterment se seignent
de faire lour office, en nul maner de fauour
des misselants, et de ceo soient atteints, q̄
ils eient lenp̄risonment dune an, & puis soi-
ent greusement rentz a la volunte le roy, s'ils
eient de quoy, sinon, eient lenp̄risonment de
iii. ans.

¶ Coroners. I. Cap. I O.

¶ Et pur ceo q̄ petits gents meins sages
soient eslues oze de nouel cōmunel̄t al of-
fice de coron̄: et meister serroit q̄ probes ho-
mes, loialz & sages se enterinellent de cel
office. Parueu est, q̄ par tous les counties
soient eslues suffisants hōes coroners, des
plus loials & plus sages chivalers, queux
melius sachent, puissent, & boillent a cel
office entēd̄, & q̄ loialment attachent, & re-
presentent les p̄lees de la cozone, Et que lo
bist eient counter rolles oue les coroners,
auxibien des appell̄, come des enquestes, de
attachements, ou des auters choses, q̄ a cel
office appendent. Et que nul coron̄ riēs dō,
ne p̄reign de nully pur faire son office, sur
peine de le greue for̄sature le roy. | 14. E. I.
Stat Exon̄e. |

¶ Odio & Atia. I. Cap. II.

¶ Et pur ceo q̄ plusions reints de mort
de home, et que sont culpable de m̄ la mort
sont par fauorables enquestes, prises par bi-
conf̄, et par b̄rief le roy q̄ est appell̄ odio et
atia) repleuis, iesques a la venue des iustiz
errants. Parueu est, que tiel enquestes soy-
ent desozmes prises p̄ probes homes, eslues
par

par serement, dount les deux soient a meins
chivalers, q̄ nul affinitie, touchēt a l's prī-
soners ne auterment ne soient suspecious.
[Glo. ca. 9. W. 2. ca. 29.]

¶ Felony. 4. Cap. 12.

¶ Durueu est ensement, q̄ les felōs esclies
et queux sont appertement de male fame, et
ne soy voilent mettre en enquestes des felo-
nies, q̄ homes met sur eux deuant iustices
a le suite le roye, soyent mises en la prīson
fort & dure, come ceux queux refusent estre
al comen ley de la terre. Mes ceo nest mpe
a entend pur prīsoners q̄ sont prises pur le-
ger suspecion.

¶ Rape. I. Cap. 13.

¶ Et le roy defend, que nul ne ravisne
preiñ a force damesele deins age, ne p son
gree, ne sans son gree, ne dame ne damesel
de age, naut feme maugre le souen. Et si nul
le face, a le suite celuy que suera deins les
xl. iours le roy luy fra comen droiture. Et si
nul commence la suit deins le. xl. iours l'roy
suera, et ceux q̄ux il trouera culpables, ils
aueront la prīsonmēt de. ii. ans, & puis ser-
ront rents a la volunte le roy, et s'ils neient
dont estre rents, soient paris per plus lon-
ge prīsonment, solonq̄ ceo que le trespas
demaund.

¶ Appels. 2. Cap. 14

¶ Et pur ceo q̄ hōe ad vñ en alcu payes
de vtlager les gentz appels de commun-
dēm̄t, force, eid, ou de receiptmēt, deins m̄ la
terme q̄ home doit vtlager celuy q̄ est appel

D. iiij.

De fait

de fait. Purueu est & commaunde p le roy, q
nult ne soit vtlage pur appell' de commau-
dement, force, aide, ou de resceyptment, iusq
a tant que lappellee del fait soit atteint, is-
sint q vn m ley soit de ceo p tout la tere, mes
celuy q boet appeller, ne lessa pas pur ceo de
attacher son appell', ou prochein county berz
ceux, auxibien com bers les appellees du fait,
mes le riget de eux demurge tanque les ap-
ples de fait soient atteints p vtlaga ou au-
terment.

Mainprise. 2.

Cap. 15.

Et pur ceo que viscouits et auts, queux
ount prises & retenus en prison gents rettes
de felony | et | meint foits ount lesse p reple-
uin les gents, queux ne sont my repleuisablz
et ont detenus en prison ceux qux sont reple-
uisables, p encheason de gaigh des vnz, & de
greuer les auters, et pur ceo que auant ces
heures ne fuit my determini | certainement |
queux gentes fussent repleuisables, & queux
non, forpris ceux queux fussent pryses par
mort de home, ou per commaundement le roy
ou de les iustices, ou pur la forest. Purueu
est, & p le roy commaunde, que les prisoners
queux sont auant vtlages, et ceux qux eyent
forzure la tere, prouours, et ceux queux sont
prises oue manoz, & ceux queux out debzuse
la prison le roy, larons apiertment escryes &
notozies, & ceux que sont appellees des pro-
uours, tanq come les prouours sont en vie
(sils ne soient de bone fame) & ceux qux sont
prises pur arson feloniously fait, ou pur
faux

my lord
in parliament
the 7th
of Edward
the 1st
c. 15. m.

faux money, ou fauxer de scale le roy, ou ex-
commenge prise per prier leueles, ou pur ap-
piert malueist ou pur treasor, que touche le roy
mesme, ne soient en nul maner repleuissables
per le common brieve, ne sans bre, Mes ceux
qui sont enditez de larceny per enquestes dez
viscounts, ou des baillives prises de leur of-
fices, ou pur leger suspeccon, ou pur petit
larceny, que namount ouster le value de .xij.
deniers, sils ne soient rettes dauter larceny,
deuant cel heure, ou rettes de receiptement des
larcens, ou des felons, ou de commaundement,
ou de la force, ou del aide de le felon fait, ou
rettes dauter trespas, pur le qil on ne doit p-
dre vie ne membre, & home appelle de pour
puis la mort le prouour, sil ne soit apiert la-
ron escrie, soit desormes lessé per suffisant
pleuin, deuant le vicon, dont le vie voit res-
pond, & ceo sans riens don de leur biens pur
la pleuin. Et si le vie ou aut lessent p pleuin
bit, q ne soit repleuissable, si ceo soit vie, con-
stable, ou aut baillife de see que eit garde de
prisors, & de ceo soit ataint, pard le see & bail-
lie a tous iours. Et si soit south vie, cōsta-
ble, ou baillife, ou celui q ad tuel see pur gar-
der les prisors, & eit ceo fait sans la volunte
son seignior, ou auter baillif que ne soit de see
eit lenprisonant de .iij. ans & soit vent a le vo-
lunte le roy. Et si vit detein les prisors re-
pleuissables, puis q le prisor eit offre suffisat
suertie, il seré en le greue mercy le roy. Et
sil prent iour pur luy deliuerer, il rendra le
double au prisoner, & ensement sera en le
greue

westm primer.

greue mercy le roye | de finibus leuatis. 27.

¶ E. 1. cap. 13.

¶ Distres. 6. Cap. 16.

¶ En droït de ceo q̄ ascū gents parnoūt, & prendze souint les auers des aūts, & les chassent hors del county ou les auers fuerōt prises. Purueu est q̄ nul desozmez ne le faē. Et si vl le face, soit greueiment rent solonque ceo q̄ est conuenue en les estatutes de Harlebe | cap. 4. | faits en tēps le roy H. pier le roy q̄ oze est. Et p̄ m̄ le man soit fait de ceux, q̄ux parnont les auers a tozt, & q̄ux font distres en aū fze, plus greueiment soient punis, si le maner de trespas le demaīd. | Harlebzidge 1. cap. 15.

¶ Distres. 7. Cap. 17.

¶ Purueu est ensement, q̄ si vl desozmez preigh les auers des aūts, & les face chas en chastell, ou en forcelet, et illongz de depnes le close du chastel, ou de forcelet les deteigh encount gage & pledge, pur que les auers seront solempnemēt dōez per visē, ou p̄ aū baillife le roy a la suite del pl̄, le visē ou le baillif prise oue luy power de son countie ou de la baill, et boile affair de ceo repleuīn des aūts a celui q̄ les auet prise, ou a son s̄r, ou as auters des homes son seignioz quicunqz q̄ux sont troues en le lieu, ou les auers fuerōt en chases. Et si homeluy deforce adonq̄s de la deliuerance des auers, ou q̄l ne troue home pur le seignior, ou pur celui que les auera prise que respoigh & face le deliuerance, ap̄s ceo que le seignioz, ou parnour, per visē ou p̄ baillife,

baillife, serra amonest de fait la deliuerance,
 si soit en patz, ou pzes, ou la ou il purt per le
 parnour, ou per auters des sees couenable-
 mit estē garnie de fait la deliueē, sil fust hozz
 de cel pais quant le prise fuit fait, et ne face,
 adonq̄s maintenant les auers deliueē, q̄ le
 roy pur le trespas et pur le despite, face abaf
 le chastel ou le forcelet sans recouē, & touts
 les damages que le pl' auer resceu des ses a-
 uers, ou de son gaignage desturbe, ou en au-
 ter maner puis le primer demande dez aūz
 fait per le biē ou per le baillife, luy soient res-
 tores au double, de seignior, ou de celuy q̄
 les auers auer prise, sil est de quoy, et sil neit
 de quoy, respoygn le seignior, q̄l heure et en
 q̄l maner deliuerance soit fait apres ceo que
 le biē ou le baillife serra venue pur la deli-
 uerance fait. Et fait assauoir que la ou l' biē
denet fait retozn del bziēse le roy au baillife,
 le seignior du chastel ou de forcelet, ou a auē
 a que retozn de bziēse le roy appent, si le bail-
 life de cel franchise ne face le deliuerāce, puis
 q̄ le biē auer le retozn a luy fait, face le biē
 son office sans delay, et sur lauantdit peyñ.
 Et per m̄ le maner soit fait la deliuerāce per
 attachment de pleint fait sans bziē, et sur m̄
 la peyne. Et ceo face a entendre per tout la
 ou le bziēse le roy court. Et si ceo soyt en le
 marche de Gales, ou ayllours, la ou le bziē
 le roy ne court mie, le roy que est soueraign
 seignior ent fra dzoit a ceux q̄ux pleind se
 boudzont.

westm primer.

¶ Iustices en eire. 2.

Cap. 18

¶ Pur ces que la commen fine & amercia-
mēt de tout le coūty en eyre des iustices pur
faux iudgements, ou pur auter trespas, est
assise p viē et barettours des coūties male-
ment. issint q̄ la somme est meintfoits ēcrue,
et les parcells auterment assise q̄ estre ne du-
issent, au dañ du people, et plusiours foyses
sont payes as visconts & barrettours, q̄ ne
point les acquitent. Puruen est, et voet le
roy, que desozmes en eire des iustices, deuant
eux deuant lour departuē soit tiel somme as-
sise p serement de chivalers et des pbes ho-
mes sur tous iceux que escoter deuerunt: &
les iustices facent mitter les pcelz en lour
estrete quils liuerent al eschequer, et non
pas la sōme totale.

¶ Det al roy. 2.

Cap. 19.

¶ En droit des visc̄ ou auts q̄ux respoign̄
per lour maines al eschequer, et queux ount
rest̄ de les dettes le roy pier le roy q̄ oze est,
ou les dettes le roy mesme, auant ces heures
& queux ne ount my acquites de ceo les det-
tours al eschequer. Puruen est que le roye
enuoiera bones gents per tous les coūties
a oyer tous iceux, q̄ux de ceo plein se bou-
dront, & a termin̄ issint la besoign̄. q̄ ceux que
purront m̄er q̄ls tient issint auant payes a
tous iours | ent | seront quites, le q̄l que les
visconts ou auters seront mozt̄s ou viues
en certeine fourme q̄ lour ser̄ baill̄. Et ceux
q̄ issint nauet̄ fait, s̄ls soient en vies, seront
punis greument. Et s̄ls soient mozt̄s. lour
heires

heires respoign, et soient charges de la dett. Et commaund le roy q̄ les viscounts, & les autres auantdits desozmes loialment acquittent les dettours a p̄ochain accoupt, puis q̄ ils aueront le det rescue: et donq̄ soit le det allowe al eschequer, issint q̄ iâmes ne beign en summoñ. Et si le visc̄ autrement face, et de ceo soit attain, cy rendra al pl̄ le treble de ceo quel auet de luy rescue, et soit rent a la volonte le roy. Et bñ se gard chescū visc̄ qu'il eit tiel rescue, par q̄ il boudra respond: car le roy se prendra del tout as visc̄, et a lour heires. Et si autre, que respoign per sa maine al eschequer le face: il rendra le treble al plaintife, & soit rent en mesme le man̄. Et q̄ les viscounts facēt tailes a touts iceux q̄ux paieront le det le roy. Et q̄ la summoñ de eschequer a touts les dettours, q̄ux demaūder boudront la vie, facent monstrier sans denier les a nully, & ceo sans riens p̄ed de lour, et sans riens doñ, & q̄ ne le fra, le roy se prendra a luy greument.

¶ Forestes. 18.

Cap. 20.

¶ Purueu est ensement de missaisours en parkes, & en biuers, que si vñ de ceo soit attain per le suite del plaintife soyent agardes bones & hautes amendes, solonquez le man̄ de trespas, et eit la prisonment de trois ans, et dillonq̄ soit rent a le volonte le roy sil ad de quoy poit estre rent, et loz troua bone suertie q̄l iâmes ne missace. Et si neit doñ poit estre issint rent, apres la prisonment de troyz ans, troua mesme la suertie. Et sil ne puisse

weltn primer.

puisse trouer la sueriy foriait le roialme. Et si nul de ceo rette soit fugitive, et neit terre, ne tenement suffisant per quoy il poit estre iustifie, si court come le roy auera ceo trone p bone inquest, soit demaund de county en county. Et sil ne veign soit vtlage. Purueu est ensement & accorde, que si bli ne suit de deins lan & le ieur pur le trespas fait, le roy auet le suite, et ceux q il troua de ceo rettes per bone enquest, seront punis per mesm le maner en tous points sicome desuis est dit Et si nul tiel misfesor soit attain, quil ept pris en ses parkes bestes domestes, ou au chose en le maner de roberie en venant, ou demurrant, ou en retoznant, soit fait de luy common ley, q affiert a celui que est attain de appt robbery & larceny, auxibien a la suit le roy come dauter.

¶ Wardes. 9. Cap. 21.

¶ En droit des terres des heires deynes age, qur sont en le gard lour seigniozs, purueu est, que les gardeins les gardent, & sustentent, sans destruccion fait en tout rien: et que de tiels maners de gardes soit fait en tous points solong ceo que est contenue en le graunde charter des franchises fait en temps le roy H. pier le roy que ore est | H. C. ca. 4. 5. & 6. | Et qui issint soit vse desozmes, et per m le maner soyent gardes ls archeuesq, euesques, abbes, esglises et dignities en teps de vacacion. | Vide articuli sup cartas. cap. 18.

¶ Wardes

¶ Wardes. 10. Capp. 22.

¶ Des heires maries deines age, sans le gree de lour gardeins auant q̄ ils eient passes lage de .xiiij. ans, soit fait solongz ceo que est contenue en le puruepance de Hertton cap. 6. Et de ceux q̄ seront maries sans le gree de lour gardeines puis quels aueront passes lage de .xiiij. ans, le gardein eit l' double value de son mariage, solongz la tenure de mesme la puruepance, Duster ceo ceux q̄ux aueront sustrete le mariage, rendent le droit value del mariage al gardeine pur le trespas, et talemeins le roy eit les amendes solongz mesme le puruepance de celui que le auet sustreit. W. 2. ca. 35. Et des heires females, puis q̄is aueront accomples lage de .xiiij. ans, et le seignior a que le marpage appent celes ne boudza marier, mes pur conetise de la terre les boudza tenir dismarpe. Purueu est que le seignior ne puit auer ne tener per encheason del mariage les terres a tyels heires females ouster deux anz aprez la terme des anãditz .xiiij. ans. Et si le seignior deynes les deux anz ne les marie, dō que eyant els action de recouerer lour heritage quitement sans ryen doñ pur le gard ou pur le mariage. Et si els per malice, ou per malueys counsell ne se voilent pur lour chiefe seigniors marier, ou els ne soyent disperages, q̄ les seigniors teignēt la fre & la heritage iesq̄ al age del infant male, cest ascauoir de .xxi. ans & ouster, iesq̄ ils eyent prises le value del mariage.

¶ Dette

wellm primer.

¶ Dette. 1.

Cap. 23.

¶ Purueu est ensement, q̄ en citey, burgh, vill, faire, ne en marche, ne soit nul home forein, q̄ soit de cest royaume, distreine pur det, dont il n'est dettour ou pledge, et que le fra, ser̄ greuousement punie, et sans delay soit le distresse deliuer per les baillifes du lyeu, ou per auters bayllifes le Roy, si mestier soyt.

¶ Assise. 2.

Cap. 24.

¶ Purueu est ensement q̄ null' eschetour, visc, nauter bayllife le roy per colour de son office saüs especial gar̄ ou commandement ou certaine auctorite que appent a son office, ne disseise nul home de son frankt, ne de chose q̄ appent a son frankt. Et si aucune le fait, soit a la volunte le disseise, que le roy de son office le face amender a son pleint, ou q̄ il eit la common ley per brieve de Nouel disseisin. Et celuy que serra de ceo attaint, rēd les dān a double a mesme le pl', et ser̄ en le greuōus mercy le roy.

¶ Champertie. 1.

Cap. 25.

¶ Nul minister le roy, ne mainteyne per luy ne per auter, lez ples, pols, ou besoignes queux sont en la court le roy, des terres, tenementes, ou des auters choses, pur auer part de ceo, ou auter profit per couenant fait. Et que le fra soit punie a la volunte le roy.
[Vide Champertie. 11. C. 1.]

Extorcion. 1.

Cap. 26.

¶ Et que nul visc, nauter minister t̄ roy, ne pzeigne reward pur fait son office: mes soient

soient paies de ceo quilz parnont del roy. Et qui la fra rendra le double al pf, & serẽ punie a la volunte le roy.

¶ Extorcion. 2. Cap. 27.

¶ Et que nul clerke de Justice, deschetoz ou denquerour, nait riens ne preigne pur liuerer chapiters, sozpris solement clerks des Justices errans en lour eyses, et ceo ii. s. et nient pluis de chescun wapentake, hūdred, ou ville, qui respoign per xij. ou per. vi. solon que ceo qui auncientment fuit vse. Et qui au terment le fra, rendra le treble de ceo quel auera pris, et perdra le seruice son seignior p un an.

¶ Maintenance. I Cap. 28.

¶ Et que nul clerke le roy, ne des Justices rescue desozmes presentment de esglise, dont plee ou conteke soit en la court le roy, sans especial conge le roy, et ceo defend le roy sur peine de perdre lesglise et son seruice. Et que nul clerke del Justice, ne de viscont, ne mainseine parties en querelz ne besoignes queux sont en la court le roy, ne fraude ne face pur commen droiture delayre ne disturber. Et si bli le fait, il serẽ puny per la paine prochain mēt auantdit, ou per pluis griueous si le trespas le requiert.

¶ Disceit. I. Cap. 29.

¶ Purueu est ensement que si bli serieant counter, ou auter face bli maner de disceit, ou de collusion en la court le roy, ou consent de faire la. en disceit de la court. pur engin la court ou la partie, & de ceo soit attainit, lors

Ej.

puis

westminster primer.

[puis] soit la prisonné dun an & un iour, et ne soit oye en la court le roy a coût pur nulluy
Et si il soit au d' count per mesme le maner
eit la prison dun an et dū iour a tout le meinz
Et si le trespas demande greinder peine, soit
a la volonte le Roy.

¶ Extorcion. 3.

Cap. 29.

¶ Et pur ceo que multz des gentz se pleig-
nent des scrieantes, criours de fee, et les
marshals des Justices en eyze, et d'autres
Justices quelz parnent a tozte deniers de
ceux queux recoueront seisine del terre, ou
queux gaignont lour quereles, et de fine leue
et des iurours, villes, prisoners, et des au-
ters attachies en pless de la cozone, auer-
ment que faire ne duissent, en minutes des
maners, et de ces quel ad plus graund nom-
ber de ceux que estre ne duist, per que le peo-
ple est malement greue le Roye defend, que
cestes choses ne soient desormes faitz. Et si
vll sericant de fee le face, office soit prise en le
maine le Roye. Et si marshals des Justices
le facent, soient punis greuement a la volun-
te le roy. Et a rontz les plaintifs lune & lau-
ter rendē le treble de ceo quilz auer pris en
cell maner.

¶ Toll. i.

Cap. 30.

¶ De ceux queux parnent outragions tol-
net, enconter commen vlsage du Royalme en
la ville merchandie. Puruen est que si vll le
face en la ville le roy mesme, que soit bayle a
fec ferme, le roye prendra le fraunchise del
marche en la maine. Et si soit auer vll, &
ceo

ceo soit fait per le seignieur de mesme la ville
le roy le fra per mesme le maner. Et sil soyt
fait per le baillife sans le commandement le
seignieur, il rendra al plaintife au taunt pur
le outragious prise, come il anoit prise de
luy, sil bit emporte son colne: et il auera pri-
son del xl.iours. Des citizens, & des burges
a que le roye ou son pere ad graunt murage
par lour villas enclofer, & quelcun murage
parnent auerment que lour est graunte, et
de ceo soient attaintes. Purueu est queils
pardent cel graunt de toutz le temps que ser-
ra auener, et serront en le greuous mercy le
Roy.

¶ Purueiours. 3. Cap. 31.

¶ De ceux q̄ux parnent bitaill, ou nul ri-
ens al oeys le roy a creance, ou a garrison du
chastell ou aillours, et quant ils ont resceue
le paiment al eschequer, ou en Garderobe,
ou aillours, detaignont le paiment des cre-
ancers, a grand damage de eux, & en esclau-
der du Roy. Purueu est de ceux queux ount
terres ou tenementes, que maintenant soyt
ceo leue de lour terres ou de lour chateux, &
paics as creancers, que les damages queux
ilz aueront ewe, & soient reints par le trespaz
et sils neient terres ne tenementes, soient en
le prison a la volunte le roy. De ceux q̄ per-
nont parte des dettes le roy, ou auters low-
ers pernent des creansours le roye, purfaire
le paiment de mesme cels dettes. Purueu
est quils rendent le double, & soient punys
greusement a la volunte le Roy. Et de ceux

¶ E. ij.

q̄ux

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queux parnont chiuais, ou charettes a faire le carisge le roy, puis qui mestier serroit, & pernont loyers par releuer les chiuais, ou les charettes. Puruen est q si vlt de la court la face, il sera greument chastice p les marshalles, & si ceo soit fait hors de la court, sp vn del court ou per aul que de la court, & il |ent| soit attainit il rendra le treble, & serf en le prison le roy p xl. iours.

County & Tourne. 3. Cap. 32.

Puruen est, que nul viē, ne iustice barretours ne maintenours des parolz en counties, ne seneschales des grandes seigniours, ne des auters (que ne soit attourney son seignior) a la suit faire, ne render les iudgements des countes, ne pronouncer les iudgements ou assent de faire les Justicementes | si ne soit especialment prie et requis de toutes les iutours et les attornes des iutours, queux serrōt a la iourfi. Et si nult le face, le roy le prendra greuousēnt a viē & a luy.

Newes 1. Cap. 33.

Par ceo qui plusieurs sont souent troues in counte controuours des coūtes, dont discorde, ou maner de discorde ad este souent entre le roy et son peple, ou ascū de les hautes homes de son roialme, defendu est par le damage que ad este, & qui vncōz ent purra auenir, que desozmes nult ne soit cy harde de dis, ne de coū nules faux nouvelles ou cōtrouour, dōt discorde ou maner de discorde, ou disclaundē puisse surdre entre le roy & son peopl ou les hautes homes de son roialme. Et qui
le

le fra soit pris, et detenus en prison ielques a
tant que il eit troue en courte celui dont la
parolle serra mene. [2. R. 2. ca. 5.]

¶ Arrestes. I. Cap. 34.

¶ Des hautes homes, & de leur bailliffes &
des auters (fozpris les ministers le Roy, as
queux especiall' aucthorite est don de E faire)
qui a le pleint des ascuns, ou per leur auctho
ritie demesne, attachent auters oue leur bñs
trespas passantes per leur poier, a responder
deuant eux des contractes, couenantz, ou
de trñs faitz hozs de leur poier, & leur iuris
diction, la ou ilz ne teignent riens de eux, ne
deins la franchise ou leur poier est, en preiu
diç du roy, & de sa cozone, & a dam du people.
Paruen est qui nulz desozmes ne le face. Et
si a E le face, il redra a celui, qui y cel enche
son serf attache, son dam au double, & serf en
le griene mercy le roy.

¶ Reasonable Ayde. I. Cap. 35.

¶ Pur ceo qui auant ceux heures ne fuit
vnques reasonable aid a faire leigne fitz chi
ual' ne a leign' file marier, mise en certein, ne
quant ceo deueroit estre prise, ne qñ heure, per
quey les vns leuerent outragious aids, & pl'
tost q ne semble eit mestre, dont la people se
sentit greue. Paruen est qui desozmes de fee
de chiuall' entier solement soient dones xx. s.
et de xx li. de terre tenus per socage xx. s. & de
plus, plus, & de meins, meins, solōqz lasserāt
Et qui nul ne puisse leuer tiel aide a fait son
fils chiualler, tanqz qui son fils soynt del age
de xv. ans ne a sa file marier tanqz qui el soynt

E. iij.

del

40. E. 3

westminster primer.

del age de vij. ans. Et de ceo serra fait men-
cion en le brief le roy fourm sur ceo quāt hōe
le voile demander. Et si auēgn que le pier,
quant il auera tiel eide leue de ses tenants,
morgage auant q̄l ait sa file marie, lez execu-
teurs le pier soient tenus a la file, entant cōe
le pier auera resceu pur cest aide. Et si les
bñs le pier ne suffisent, son heit soit de ē ten^r
a la file. | Glanville fo. 71.

¶ Assise. 3. cap. 36.

¶ Parueu est a accord ensem̄t, que si hom̄
soit attaint de disseisin, fait en temps le Roy
q̄ ore est, ouesq̄ roibery, de ascune maner de
chattel ou de mouable, et soit trouue vers luy
per recegnisans de assise de nouel disseisin le
iudgement soit tiel, que le p̄ reconera sa seisin
a les dām, auxibien de chatel et de mouabl a
uantditz, come del soit. Et le disseisour soit
reint, le quel que il soit present ou non, issint
que (sil soit present) primes soit agard a la pri-
son. Et per mesme le maner soit fait de dissei-
sine fait a forz et armis, tout ne face home
robbery.

¶ Attaint. I cap. 37.

¶ Pur ceo que ascuns gentz de la terre
doutent meins faux serement faire, que faire
ne duissent, per que multz des gentes sont
disherites, et perdent leur droit. Parueu
est que le roy, de son effice, desozmes donera
attaintes sur les inquestes en p̄ de terre, ou
de franktenement, ou de chose que touche
franktenement, quant il semblera que ne be-
soign soit.

¶ Limi-

Et pur ceo que le temps est mult passe puis que les bziefes de south nosmes fuerent auterfoits limittes. Purueu est que en count countant de discent en bzief de droit, nul ne soit si ose de count de la seisin son auncestor de plus longe seisin que de temps le roy. R. vncler le roy Henry, pier le roy que ore est. Et que le bzief de nousl disseisin, & de parparty, que est appelle nuper obiit, eient le terme puis le primer passage le roy Henry, pier le roye q ore est en Gascoigne, mes nemy auant. Et les bziefes de mortdaunt, de colnage, de aiel, de entre, & bzief de neiffie, eient le terme del coronement mesme le roy Henry, & nemy auant. Mes que toutes les bziefes ore a per mesmes purchasles, ou apurchaser entē cy & la [seait] Saint John en vn an, soient pledes due tēps q auant soient estē pledes.

Pur ces que mults des gents sont delaies de leur droit, pfaucement boucher a gar-ranty. Purueu est que en bziefes de poss. tout adeprimmes come en bzief de mortdaunt, colnage, del aiel, nuper obiit, de intrusion, & autz bziefes seblables, per les queux terres ou tenemens sont demandes que deuoient dis-cendē, reuerter, remainr, ou eschier per mort daunt, ou dauter, que si le tenant bouche a garrant, & le demandant lay counterpled, & voill auerter per assise, ou per pais, ou en auter maner, sicome le court le Roy agarde, q le tenant ou son aunt, que heiro il est, fait le

primer qui entra apres la mort celui de qui
 seisin il demaunde, soit le auerrement del de-
 maund rescu, si le tenant le boill' attend, &
 sinon, soit bote ouster a auter respons, si neit
 son garrant en present, qui luy boill' garrā-
 ter de son gree, & maintenaunt entrer en res-
 pons, saue al demaundant ses excepcions en-
 couter luy, si boill' boucher ouster, come il
 auoit auant, enconter le primer tenant. De
 rechief en toutz maners des brieses dentre,
 queux font mencion des degrees, purueu est
 nul desozmes bouche hozs de la ligne. Et en
 auters brieses dentre, ou nul mencion est fait
 de degrees, les qur brieses ne sont sustennus,
 forsq la, ou les auant ditz brieses de degrees
 ne poiēt giser ne lieu tenir, & en briez de droit
 Purueu est que si le tenant bouche a garrā-
 tie, & le demaund le boill' counterpled, & soit
 prist de auerrer per pais, que celui qui est
 bouche a garrant, ne nul de ses auncesters
 ne vnques auoient seisine de la terre, ou del
 ten demaunde, ne fee, ne seruice per la maine
 le tenant, ou aucun de ses auncesters, puis le
 temps celui, de qui seisin le demaund coute
 iusques al temps qui le briez fuit purchace, &
 plee moue, per qui il poit le tenant ou ses aū-
 cesters auer seffe. Adonques soit lauerremēt
 del demaund rescu, si le tenant le boill' atten-
 der, & sinon, soit le tenant bote ouster a auter
 respons. Si neit son garrante en present, qui
 luy boill' garrāter de son gree, & mainte-
 nant enter en respons, saue al demaund ses
 except encouter luy, sicome il auoit auant
 encouter

2. f. romple
 de romple
 Ant. q. 7.

encounter le primer tenant. Et l'auantdit exception eit lien en brieuf de morbanç, & en les autres brieufes deuant nosmes, aux bien come en brieufes queux touchent droit. Et si le tenant per cas eit Charter de garrantie de aut home | de ceo chose, | qui soit obligé en nul des auantdits cases a la garrantie de son eigne degree, saue luy soit son reconeît per brieuf de gart de charter de le chauncell' le Roy, quant il le boudra purchaser, mes qui le plee ne soit pur ceo delaye.

¶ Bataille and graund Assise. I. Cap. 40

¶ De serementes des champions. est issint purueu. Pur ceo qui rarement auient qui le champion le demandant ne soit perire en ceo quil iure qui il, ou son pere vist la seisine son seignour, ou de son auncestour, & qui son pere luy commaund a faire la dereigne, q. desormes ne soit le champion le demandant cōstreint a ces iurer, mes soit le serement gard en toutz ses autres points.

¶ Essoine. 3. Cap. 41.

¶ Pur ceo qui en brieuf d'assise, d'atceintes, & de iuris b'reum, les iurreurs sont souët trauels per essoines des tenants. Purueu est q. del heure q. le tenant vn foies apparust en court iames ne puisse | le tenant | se essoin, mez fait son attourney a luer pur luy, sil boill. Et si non soit lassise, ou le iure prise p. son defaule | W. 2. ca. 28.

¶ Essoine. 4. Cap. 42.

¶ Pur ceo qui les demand sont souent delaies de tout droit, pur ceo qui ou sont plusieurs

ours parceners tenantes, dont nul puet res-
poign sans auser, ou q̄l ad plusieurs tenanz
tointinent seofes, ou nul ne scist son seuerall
cear tenanz souēt forchient per essoin, issint
que chescun eit un essoin. Purueu est desor-
mes, que ceuz tenanz neient essoin forsque
a un iour, nient plus que un sole tenant na-
ueroit, issint que iammes ne puissent forcher,
fors tant solement auser un essoin.

¶ Essoin 5. Cap. 43.

¶ Pur ceo que multes des gentes se font
fausement essoin de outre mere, la ou ilz fue-
rent en Engleterre le iour de la sommons.
Purueu est visormes, que cell' essoin ne soyt
pas de tout allows, si le demandant le cha-
lenge, & soit prist d'auerrer quel fait en En-
gleterre le iour que le somons fuist fait, & iij.
semaignes apres, mes soit atournē en cest
forme, que si le demand' sue a tiel iour auerre
sint p pais, ou si come la court le roy agardra
& soit attaint que le tenant faist deins le quat
meres [Dengluttre] le iour q̄ il fuist somē, et
trois semaignes apres, issint que il puit estre
reasonablemēt garay de la somōs, soit l'essoin
tozme en un defaute, & ceo fait a entend' tant
solemēt deuant les Justices le Roy.

¶ Estreites. I. Cap. 44.

¶ De delaies en toutz maners des briefes,
& des attachementz est purueu, q̄ si le tenant
ou le defendant, apres le primer attachement
tesmaign', face default maintenant soit le grā
dist agard. Et si vilt ne respoign' sufficient-
ment au iour, soit greuousement amercy. Et

lit

fil maund que il ad fait l'execucion en due maner, & les issues bailes es mainpernours, adōques soit maunde au viē, que il al auter iour face venir les issues devant iustices. Et si lat tache veigh a cel iour sauēt les defautes, eit il les issues. Et sil ne veigh, eit le roy les issues. Et les Justices le roy les facent liuerer a la garderobe, & Justices del banke a Westm les facent liuerer al eschequer, & iustices en eire, au viē de cell countie, ou ilz pledent, auxibien de cel countie come des fozeine counties, & de ceo soient charges en somons per roles de Justices.

¶ Justices of both benches. I Cap. 45

¶ Puruen est enlement, & per le roye commaunde, que les Justices de banke le roy et Justices de bank a Westminster desozmes p pledent les ples a terminer a vn iour, auant que rien soit arraine, ou commence des ples del iour ensuant forspis q̄ leur essoign soiēt entres, iudges, & rendus, & per encheson de ceo nul home se affie, que u ne veigne au iour q̄ don luy est.

¶ Age. I Cap. 46,

¶ Puruen est enlement, que si nul desozmes purchace brie de nouel disseisin, & celui sur que le brie vient, come principal disseisor mourge auant que l'assise soit passe, que le pl̄ eite son brie Dentre foundys sur dysseisine sur le heire ou sur les heires les disseisors, de q̄l age que ils soient. En m le man̄ eit le heir, ou les heires le disseisor leur bres Dentre sur les disseisors lout l'ancest̄ ou leur

*si fils anoit & est ffrat̄ c est don agē d'v
et an sa agē nō est atnt̄ rōt atnt̄. 24. l. 3*

*21. l. 3.
dgo. 18.*

westminster primer.

E-3. leur heires, de quel age q̄lz soient. Et si par aventure le dissein moure anant quel eyt son purchace fait, issint que pur les nonages des heires dun part ne bouter ne soit le brieſ abatus, ne le ples delaye, mes en quant qui loñ poit sans ley offend, soit hastes pur la fresh suit aps le dissein. Et en m̄ le man soit et point gard en dēt des plates, gentz de religion, & auters, as dux terres & teñtez en nul maner pussent deuener apz au mort, le q̄l que ilz soient disseins, ou disseinsours. Et si les parties en pledant discent en enquest & lenquest passa encouter le heire deinz age & nolement encoanter le heire le dissein, q̄ il en ceo cas eit latteint de la grace le roy sans rien doner.

¶ Procheine amy. I. cap. 47.

¶ Si garden ou chiefe seignior enseffe vñ home de la terre qui est del heritage del enfāt (qui est deins age & en la gard) a le disheritance del heire. Duruen est, qui le heire eyt maintenant son recouere per brieſe de nouel dissein vers son gardein, & vers le tenant. Et soit la seisin baill' per Justices, si el soit recouet al prochein ampe lenfant, a qui le heritage ne purra my discent, pur approuer al oeps lenfant, et a responder des issues al heire quant il viendra a son plein age. Et le gardein parde a tout sa vie, la gard de mesme le chose reconet, & tout la reñ del heritage, q̄l tiēt en noime del heire. Et si au gardin q̄ chiefe seignior le face, parde le garde de tout cel chose / a cel soit / & soit en grieve paine enuers le

le roy. Et si lenfant soit elloigne, ou disturbe
per le gardeine, ou per le feoffe, ou per auter
per q̄ il ne puisse la assise suer, lue pur luy vn
de ses prochein amies qui boudra, & soit a ceo
resceu | W 2. ca. 15.

9. f. 6.

¶ Dower. 2. cap. 48.

En bzief de dower dont dame riens nad
ne soit le bzief abatus per excepcion del tenāt
pur ceo quel auera resceu son dower de auter
homs auant son bzief purchace, sil ne puit mō
stre, qui el eit resceu part de la dower de luy
mesme, et en mesme la ville auant son bziefe
purchace.

¶ Prerogatiua regis. cap. 49.

Et pur ceo que le roy ad fait cel chose al
honour de dieu, & saint esglise, et pur le cōmō
p̄fite de peop̄le, et pur le alledgeance de ceux
q̄x sont greues, il ne doit my qui auterfoits
puissent turner a p̄iudice de luy, ne de la co
rone, mes que les d̄its, qui a luy apperteign
luy soient saues en toutz pointes.

¶ Assise. 4. cap. 50.

Et pur ceo que graund charitie serē de
faire droit a tous en tout temps, ou mester
serroit: Paruen est per assentment des p̄e
lates, que assises de nouel disseisin, mor̄daū
cester & de darrein p̄esentment lussēt p̄ises
en le Aduent en Septuagesime, & en quarelm̄
auxibien cōm̄ le home | p̄ent lenquestes.

& ceo pria le Roy as
Euesques.

Explicit statuf de Westm̄ primer.

¶ Statut de Bigamis, editum
Añ.iiiij.E.primj.

In presentia venerabilium p̄m
quorūdam episcoporum Angl̄,
& aliorum de consilio regis, reci-
tate fuerunt constitutiones sub-
scripte, & postmodum corā dñō
rege & consilio suo audite & pub-
licate, quia omnes de consilio tam iustit̄ quā
ali j concordauerunt, quod in scripturā redige-
rentur ad perpetuam memoriā, & quod fir-
miter obseruentur.

¶ Ayde de Roy. I

Cap. I.

EDe placitis vbi tenens excipit, quod sine
rege respondere non pōt, concordatum est per
iustit̄, & alios sapientes de consilio regni dñi
regis, qui consuetudines & vsum iudiciozum
hactenus habuerunt, qđ vbi feoffamētū factū
fuerit per regem, & charta sup hoc incōfecta
tū se habeat / qđ si alia persona p cōsimile se
offamentum & cōsimilem chartam teneret ad
warrantiam, iustit̄ vltius procedere nō po-
terunt, nec hucusq; processerūt, nisi super hoc
p̄ceptum a rege habuerunt, nec videre / pos-
sunt / qđ procedere possint.

¶ Ayde de roy. 2.

Cap. 2.

In certis autem casib⁹, vtpote vbi rex
confirmauerit, vel ratificauerit factum alicu-
ius in rem alienam, vel rem aliquam alicui
concesserit, quantū in ipso est, vel vbi charta
profertur, quod rex tēsi aliquod reddiderit,
nec

Statut de Bigamis. fo. 40

nec clausula aliqua in ea contineatur, per quam
warrantizare debeat, et in consimilib⁹ casib⁹
non erit supersedend⁹ occasione confirmatio-
nis, ratificationis, concessionis, seu redditio-
nis, aut aliorum consimilium, quin postquam
hoc regi fuerit ostens. sine dilatione proceda-
tur.

¶ Ayde de Roye. 3. Cap. 3.

¶ De dotibus mulierum ubi aliqui custo-
des hereditat⁹ maritorum suorum custodias
habent ex dono vel concessione regis, siue
custodes rem petitam teneant, siue heredes
dictorum tenementorum vocentur ad war-
rant⁹, si excipiant, quod sine rege respondere
non possint, non ideo supersedeat, quin in lo-
quela predicta, prout iustum fuerit, proces-
datur.

¶ Purpresture. 1. Cap. 4.

¶ De purpresturis, seu occupationib⁹ qui
huscunq⁹ factis super regem siue in libertati-
bus, siue alibi, concordatum est q^d tempore re-
gis h. diffinit⁹ erat q^d concordat⁹, quod ubi oc-
cupatores superstites fuerint, rex de plano
resumat sibi rem taliter occupatam de ma-
nibus occupantium, quod etiam de cetero in
regno obseruetur. Et si aliquis de huiusmo-
di resumptionibus cōqueratur, prout iustum
fuerit audiatur.

¶ Clergie. 2. Cap. 5.

¶ De bigamis quos dominus papa in
consilio suo Lugdunensi omni privilegio cle-
ricali priuavit, per constitutionem inde editā
et hnde quidam prelati illos qui effecti fuerāt
Bigas

Statutū de Bigamis.

Bigami ante predictam constitutionē, quā-
do de felonā rectati fuerunt, tanq̃ clericos
exigerunt sibi liberandos, concordatum est &
declaratum corā rege & consilio suo, q̃ cōsti-
tutio illa intelligenda sit qđ siue effecti fue-
rint bigami | ante | predictam constitutionem,
siue post, de cetero nō liberēt̃ p̃zelatis, immo
fiat eis iusticia sicut de laicis.

¶ Voucher. 6. cap. 6.

*int. 6 in
iudi. 1
transla
m. 10. 10. 10.*
En chartis autem ubi continentur, dedi
et concessi tale tenementū sine homagio, vel
sine clausula que continet warrantiam, & te-
nend de donatoribus et hered suis p̃ certum
serviciū, concordatū est p̃ eosdem iustit̃ qđ
donatores, & heredes sui teneantur ad war-
rantia. Ubi aut continentur dedi et concessi
sc. tenend de capitalibus dominis feodi aut
de alijs quam de feoffatoribus vel heredib⁹
suis nullo servicio sibi retento, sine homagio,
vel sine dicta clausula | warrantie | heredes sui
non teneantur ad warrantia. Ipse tamen fe-
offator in vita sua ratione doni proprij tenet
warrantizare. Predictae autē constitutiones
edite fuerunt apud westm̃, in parliamē-
to post festum sancti Michaelis.

Anno regni regis E. filij re-
gis H. iiij. et extunc
locum habeat.

Expr̃it statutum de Bigamis.



An du grace M.CC. lxxij. &
del raigh l'roy E. fitz le roy He-
ry. vi. a Glocester le mois d'au-
gust, purueat m le roye, pur a-
mendeint de son roialme, et pur
pluis pleiner exhibicion de droit sicoñ le p-
fit doffice demande, appellez les pluis dis-
cretz de son roialme, auxibien des greindz
come des meinders, establie est, et concor-
dantment ordine, q̄ come meime le roialm en
plisours diuers cases, auxibien des frañchi-
ses come dauters choses, en les q̄ls ley auāt
faillit, & a eschuer les tresgreues damages et
les nient numerables disherisons, les quels
icel maner defaut de ley fist a la gent du roi-
alme, eit mestier de diuers suppletions de
ley, et de nougls purueiances: les estatutes,
ordeinments & purueiances suis escripts de
tout la gent de la roialme desozmes soiēt fir-
mement gardes, come prelates, countiez, ba-
rons & auts del roialme clayment auer diñs
franchises, & les quels examiñ et iudgeñ le
roy a mesmes les prelates, counties, barons
& auters, auoit done iour. Purueu est & con-
cordantment graunte, que les auantdites
prelates, counties, barones & auters, cel ma-
ner de franchise vsent, issint queriē ne lour
accretes per vsurpacion, ou occupacion, ne
rien sur le roy occupient, iusq̄ al pchein ve-
nue le roye per le countie, ou a la procheyne
f.i. venue

Glocester.

venue des Justices errants as comō ples
en mesme le countie, ou iusques le roy com=
maunde auter chose, sans le droit le roy com=
il en vouldra parler, solong ceo que il eit cō=
tenue en le bē le roy. Et de ceo soient maū=
des bziefes as viscountes, bayliffes & auts,
pur chescun demandant. Et soit la for̃m del
bziefe change, solong la diuersitie des frā=
chises, les quels chescun clame d'auer. Et is
viscountes per toutes leur baillies ferraient
communement crier, cest assavoir en cytyes,
burghes, en villes merchandes, & aillours, q̃
touts ceus q̃ ascuns franchises clayment aū
per les charters les predecessours la roye,
roys D'Engleterre, ou en auter maner, soyēt
deuant le roy, ou deuant iustices en oyer a
certaine iour & lieu a monstrier quel maner
de franchises ils clament auer, et per quel
garrant. Et les viscounts mesme donq ser=
ront illongz personnelment, ou leur bayliffes
& ministers a certifier le roye sur les auant=
dits franchises, et auters choses que celles
franchises touchent. Et cest crie deūāt
le roy conteigne garnisement de .iij. semaig=
nes. Et en mesme le maner ferraient les vis=
countes crier en oyer de Justices. Et en m̃
le maner ferraient ils personnelment, ou leur
bayliffes et leur ministers, a certifier les
Justices de tiel maner de franchises, et
des auters choses que celles franchises tou=
chent. Et cest crie conteigne garnisement de
quarāte iours, sicome le common summons
contient: issint que si la party que clame aū
franchises

franchises, soit deuant le roy ne soit pas mis
 en defaut deuant les Justices en euer, par
 ceo que le roy de sa grace especial ad graunt
 que il gardera la party de damage, quant a
 ce baiournement. Et si cel party soit empled
 sur tiels maners de franchises deuaunt un
 paier de Justices auantdies mesmes les ius-
 tices deuant lez q^{ls} la partie est en plee, gar-
 derent le pty de damage deuant autres ius-
 tices, & deuant le roy luy mesmes, mesque il
 sache p les iustices, q^l la pty fuit en plee de-
 uant eux sicome il est auantdit. Et si ceux q^l
 tiels franchises clament auer, ne veignēt p
 al iour auantdit: donq^s soient les franchises
 en nofme de distresse prises en la main le roy
 per le bisceut del lieu: issint quilz tiel maner
 de franchises ne v^lent, iusq^s ilz veignēt a re-
 ceiner d^zoit. Et quant ilz veignēt per cel dis-
 tresse, lour franchises eux soiēt repleuies silz
 les demand, les quelz repleuies respoignēt
 maintenant en la seime auantdit. Et per ad-
 uenture les parties exceptēt, q^l ne debuient
 ment de r^e respond sans b^{re} original, dōq^s sil
 puisse estre suer q^l eux de lour propre fait,
 eyent vsurpe ou occupee ascū franchises sur
 le roy, ou sur ses predecessours, dit lour soit,
 q^l maintenāt respoignent sans brief, et puis
 resceiuent iudgement, sicome le court le roye
 agardera. Et silz dient ouster, que lour aun-
 cester ou lour aūcesters de mesmes les frā-
 chises moiront seises, soyent oyes, & main-
 tenant soyt le veritie enquisse, & solong^s ceo
 aillent les auant en le besoigne. Et sil soyte

Glocester.

trone q̄ leur auncester ent morust seisie: dōq̄
eyt le roy bziese original de la Chauncery en
fourme fait de ceo: Le roye maund salute au
viscount, summones per bone summonours
vn tiel, que il soit deuant nous a tiel lieu en
nostre procheine venue en cel countie, ou de-
uant nous Justices apprimier assises, come
ils en cels parties viendront, a monstrier par
quel graunt il clame daver quitance de toz̄
pur soy ou pur les homez per tout nōst̄ roi-
alme p̄ continuacion apzès la mort tiel iadis
son predecesour. Et eiets les summonours
& ceo b̄re. Et si les parties veignent al iour,
respoignent, & soit replie & iudge. Et s'ils ne
veignent ne soy esloient: deuant le roy, & si
le roy demurra ouster en cel countie, soit cō-
maund au viscount q̄ il le face venger al quart
iour. & q̄l iour s'ils ne veignent, & l' roye de-
mur̄ ouster en cel countie, soit fait sicome en
eyze de Justices. Et si l' roy depart del coū-
tie, soient les parties aioznes a bziese iour, &
eient reasonables delayes, iuxte les discreci-
ons des iustices, sicōe en acciōs p̄sonall. Et
les iustices en eire facent de ceo, en leur op-
ers solongz lor̄deinment auantdit, & solongz
ceo q̄ tiel mañ de plees debuient est̄ deduct.
En oper de plaintes faits & affaires dez bai-
lies le roy & daver baillifes. soit fait solongz
lor̄deinment auant fait de ceo, & solongz les
enquestes de ceo auant p̄isez, & de ceo ferrōt
les iustices en eyze solongz ceo q̄ le roy leur
ad enioint, & solongz les articles q̄ l' roy leur
ad liuere. | Vide tout ceo en latin pl̄z playne

30. E. 1. lestatute de Quo warrant, tit Fraunchises. 5.]

¶ Dam. 1.

Cap. 1.

Come auant ces heures damages ne fuerunt agardes en Assises de nouel disseisin forsqz tantsolemēt vers les disseisors. Purueu est, que si les disseisors alienent les tenements et nient dont les damages puissent estre leues, qui ceux a que maines ceux tenements deuiendront, soient charges des damages, issint que chescun respoign de son temps. Purueu est ensemblement, que le disseisor recouert damages en brieve Dentre foundue sur disseisin, vers celui qui est trouue tenant apres le disseisor. Purueu est ensemblement qui la ou auant ces heures damages ne fuerunt agardes en plee de mortdauncester, forsqz en case ou tenements fuerunt recoueres deuers chiefes seigniors | ceo fust p statut Marlebrē cap. 16. | qui desormes damages soient agardes en toutes cases, ou home recouer per assise de mortdauncester, sicome est auantdit en assise de nouel disseisin. Et en mesme le maner reēt home damage en brieve de Consinage, Appel & Besapel. Et la ou auant ces heures damage ne fueront taxes, forsqz a le value des issues de la terre: Purueu est que le demaund puit reēt vers le tenant les costages de son brieve purchase, ensemblement ouesqz les damages auantdits. Et tout ceo soit tenus en toutes cases, ou home recouer damages. Et soit desormes chescun tenus a render damages, la ou home recouer vers

f. iij.

luy

Glocester.

lay de la intrusion demesne, ou de son fait demesne.

¶ Age. 2.

Cap. 2.

Esi enfant deyns age soit tenuz hors de son heritage apres la mort son pier, cosin, aiel ou besatel, per que il couient quel purchaẽ bziẽse, & son aduersarie beigne en court, & en respoignant alledge seoffement, ou aut chose dit, per que Justices agardent lenquest, la ou lenquest fuit delaye iusqz al age lenfant, si passa oze lenquest auxi come il fuit de plein age.

¶ Warranty. I.

Cap. 3.

Estable est enseĩt, que si home alpefi tenement, que il tient per le ley Dengleterre, son fitz ne soit pas forbarre per le fait son pier (de que nul heritage lay descend) a demander & reconer per bziẽ de Mortdauncester de la seisin la muer, tout face le charter son pier mencion que lay et les heires sont tenus a la garẽ. Et si heritage lay descend de part son pier, donqz soit il forclose de le value del heritage, q̃ lay est descendus. Et si en tiel case apres la mort son pier, heritage lay soit descendus per mesme le pier, donqz auera le tenant vers lay recouery de la seisin la muer, per bziẽse de iadgement que illera hors de rolles des iustices, deuant queux le plice fuit plede, a resom son garrantie, sicome auant ad este fait en auters cases, ou le garrantie vient en court & dit, que riens ne lay est descend de lay, per q̃ fait il est. vouch. Et en mesme le manner ept lissue le fitz reconer per

per brieve de Cosinage, Apel & besaiel. En-
sement & en mesme le maner ne soit iheire la
femme apres la morte le pier & la miere,
bar daccion a demaüder le heritage la mier
per brieve Dentre, que son pier en temps la
mier aliena, doüt nul fine nest leue en court
le roye.

¶ Cessavit. I. Cap. 4.

¶ Ensement si home leste la terre a ferai,
ou a trouer estouers en viner, ou en besture
que amoüt a la quart part de la veray value
de la terre, & celui q la teri tiēt issint charge
la lesteest giser freshe, issint q home ne puit
trouer distresse per deux ans, ou per trois, a
faire le ferme render, ou a faire ceo q est cō-
tinue en lescript ou leas: establie est, q apres
les deux ans passes eit le lessour accion a de-
maüder la teri en deneign per brieve q il a-
nera en la chaücery. Et si celui, vers que la
terre est demaüd, beign auant iudgemēt. et
rend les arrerages & lez dam, & troua suerty
tiel cōs la court verra q soit suffisāt a rēder
en aprez | solong | ceo q est cōtenue en lescript
du leas, si reteign la tre. Et sil demurē tan-
que ele soit recouer per iudgemēt, soit il for-
close a remenant. | W. 2. capituli. 21. et capi-
tuli. 41.

¶ Waste. 4. Cap. 5.

¶ Ensemēt est puruen. q home oit desoz = *Mag: Can*
mes bō de wast en le chācery vs hōe q tient *2ap.*
per le ley Dengleterre, ou en auter maner a *marlob.*
termc de vie, ou des ans, ou feme q tient en *23.*
dower. Et celui q serē attainc de wast, pde
F. iiij. le chose

Glocester.

le chose que il auet waste: et ouster ceo face gree del treble de ceo q̄ le wast ser̄ taxe. Et en wast fait en gard, soit fait solong ceo que contenu est en la grand charter cap. quarto. Et per la ou il est contenu en la grand ch̄re, que celui q̄ auet fait wast en gard par d̄ le gard, accoꝝd est, q̄l rendra al heire les dam̄ del waste si issint soit q̄ la gard p̄due ne suf-
fist mie a le value des dam̄, auant lage del heire de m̄ le gard. | W. I. ca. 21. articuli super car̄. ca. 18.

¶ Mordancester. 2. Cap. 6.

C Durueu est ensement q̄ si home murge, & eit plusours heires, dont lun est firs ou file frere ou soer, neueu ou niece, & les auts sont en plus long degree, tous les heires desozmes eient recouere per bꝛiefe de moꝝt dauncestour.

¶ Entre. 2. Cap. 7.

E nsement si feme vend, ou done en fee, ou a terme de vie, teñt q̄ ele tiēt en dower, estably est q̄ le heit, ou auter, a qui la tert̄ desueroit reuer̄ ap̄s le decesse la fem̄, eit maintenant son recoũe p̄ b̄ẽ dentre. fait de ces en la chancery.

¶ Trespas. I. Cap. 8.

C Durueu est ensement q̄ les viscōtz pleē en countes les plees de trespass, auxi come ilz soient estre plees. Et q̄ nul neit desozmes bꝛiefes de trespass deuant Justices, Al ne as-
firme per soy, q̄ les biens emportes bailent. xl. s. al meins. Et sil se pleint de baterie, as-
firme per soy q̄ la pleint est veritable. Des
plaies

plais, & des maiheimes, eit home brieſe ſi-
come home ſoleit auer. Et graunt est, qui les
defend puiſſēt fair atorneis en tiels ples,
ou appell' ne gūſt mye, iſſint q' ſils ſoient at-
taints | du trespas | en iour abſence, ſoit mañ d'
al viſt, q' ils ſoient priſes, & eient adonq's la
peñ, q' ils aueront, ſils viſt eſtre presentes
quāt le iudgēmt ſuit rendus. Et ſi les plain-
tifes deſormes en tiel trāis ſe facent eſſoine
aps la pzm apparance, ſoit iour done iuſq's
a la venue des iuſtices errants, & les defend
endementiers ſoient en peas en tiels ples, et
en auters ples, ou attachements & diſt' gi-
ſent. Si le defend ſe facc eſſoin del ſeruyce le
roy, et ne pozt ſon garrant au iour q' don' luy
eſt per ſon eſſoin, eſtable eſt qui il rendra al
pl' les damages de la tourne de .xx. s. ou de
plus, ſoldoq's le diſcreē d's iuſtices, & iademaiz
ſoit en le grieve mercy le roy.

¶ Pardon. I. Cap. 9. *Appels.*

¶ Duruen eſt enſement, que nul brieſe ne
iſſ. deſormes de le chauncē pur mort de hōe
denquerer ſi home occiſt auter, per miſauē-
ture, ou ſoy defend, ou en aut' mañ pur ſelon
mes celuy ſoit en priſon iuſques al venue
des iuſtices errāts, ou aſſign' a gaol' deliuer
& ſe miſt en pais deuāt eux de bñ & male. Et
ſi ſoit trone per pais q' il le fiſt ſoy defendant
ou p miſauenture, donq's fra les iuſtices aſſa-
uer au roy, & le roy luy en fra ſa grace ſi luy
pleiſt | w. i. cap. ii. | Duruen eſt enſement qui
nul appell' ſoit abatue ſi legierment cōe auāt
ad eſte, mes ſi lappellour counte le fait lañ
le iour

Arms
80. 6.

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le iour, le heuf, le temps le roy, & la bill' ou le fait fuist fait, & de q̄l arme il fuist occise, le estoia lappell', & tames ne soit lappell' abatus p̄ defect de freshsuit puis q̄ hōe sue dedeīs lan & le tour apres le fait.

¶ Essoine. 7. Cap. 10.

¶ Come il soit contenue en lestatut le roy. que oze est | W 1. cap. 42. | que deux parceners ou deux queux teigne en comen, ne puyssent forcher per essoine, del heure quils auant vn foites apparus en count. Durueu est q̄ mesme ces soyte tenus et garb, per la ou home & la feme sont enpledes en la court le roy.

¶ Disceipt. I. Cap. 11.

¶ Durueu est ensement, que si hōe bailla en la citie de Londres son teneiment a terme des ans, & celui a que le franktenement est, se face empled per collusion, & face def. apres def. ou veigne en court, & la voit render pur faire le termour perbre son term, & le demāb eit querel', issint q̄ le termour puisse auer rescouere p̄ brieve de couenant, le maioz et les baillifes puissent enquirer per bone visne en la p̄sence del termour, & del demaundant, le quel le demandant mouest son ple per bon droit quel auoit, ou per collusion & p̄ fraud pur faire le termour pardt son terme. Et si troue soit per inquest, que le demaundāt mouest son ple per bone droit quel auoit, si soyt le iudgement parforme maintenant. Et si troue soit per inquest, q̄ il lay ēpleda p̄ fraud pur toller le termour son terme, si demurge le termour en son tme. & lexecut del iudgement
pur

pur le demandant soit suspendus, iusques apres le terme passe. Et en mesme le manner soit fait de equite en tiel case deuant Justices, si le termou le challenge deuât iudgement rendu.

¶ Voucher. 5. Cap. 12.

• Purueu est eniement que si home soynt enplede de tenement en m̄ la cite, & vouche forzein a garrantie, q̄l veign en la chauncery & ait b̄e de som son garrant a certaine ioure deuant Justices du banke, & un aut b̄e au maioz & as baillifs, que ils surcessent en le parol que est deuant eur per b̄iese, iesques a tant que le parol de le garrantie serra termine deuant Justices du bank. Et quant le parol de la garrantie serra termine deuaunt Justices de bank, donq̄s serra dit au gar̄ q̄ il voice en la city de Lond a reespoign d̄ chief ple. Et le ddant per la suit cit b̄e de Justices de bank au maioz & as baillifs, q̄ls voylent auant en le plee. Et si le ddant recoñ vers le tenant, veign le teñt as iustices de banke, et cit b̄e au maioz & as baillifs, q̄ si le teñt eyt la fre pd̄, q̄ ils facent extend la terē, et reñt lextent en bā a cert iour, & aps soit mand au vis̄ du paiz ou le garrant fust somon, q̄l luy face auer de la terē le garrant a le value | Aide articuli Glocester correct. Anno nono Edward. 2.

¶ Estreperment. I. Cap. 13.

Purueu est ensement, que del heurre q̄ plee serra meu en la cite de Londres p̄ b̄e, que le tenant neit power de faire waste, ne estreperment

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estreprement du teneint q̄ est en dō. pendāt le plee. Et sil le face, le maire et les baillifes facent gard a le suit de le dōant. Et m̄ lord, & statut soit gard en auts citles, bozoughs, et aillours p̄ tout le roaline.

Damages. 2. Cap. 14.

CLe roy graūte de la grace as citizenz de Londrez, q̄ la ou auant ces heurs ceux q̄x fuerunt disseisies de lour frankteneint en m̄ la citie, ne poient recoū lour damage auāt le venue des iustices a la towre, q̄ desozmes iceux disseisies eiēt lour dām p̄ reconisās de lassaie, p̄ le q̄l ils recouerent lour teñts, & les disseisours soient am̄cies deuant deux baronz del eschequer, q̄x un foits p̄ an viendzōt en la citie a ē fait. Et ceo soit mand̄ au tresorer, & as barons del eschequer, q̄ls le facent fait chesē an p̄ ij. de eux a lour leuer aps la chasidélure. Et les amerciaints p̄ ls somōs del eschequer, soient leues aloeps le roy, & al eschequer delisies.

Wynes. I. Cap. 15.

CParueu est enseint q̄ le maire & les baillifes auant le venue de ceux barons enquerrent des vines vend⁹ encount lassaie, et le p̄sent ēt deuant eux a lour venue, & dōqs soyent amercies, la ou ils soient attendū ielsqs a le venu des iustices errants. Dones a Glocester le quart iour de October, lan du reigh le roy Edward fitz le roy H. 6.

ExPLICIT Statut de Glocester.

Explanationes

Distmodum p dominum regem, &
iusticiarios suos facte sunt qdam
explanaciones quozũ articulozũ
superius positozum.

Damages. 3. Cap. 1.

Eidelicet ad primam articulum, vt illi
q hñt ingressum per disseisinam incurrant
damna a tempore statuti publicati. Eodem
modo de breuibz de ingressu super dissei-
sinam. De damnis in omnibz breuibz mozt-
tis atecessozis, cõsanguinitatis, auu, vel pro-
auu, de intrusione, vel de facto proprio, per
quodcũqz bñe, currant damna post impetra-
tionem breuis, contra eos qui tenuerunt per
statutum, licet antecessores sui prius inde
obierunt seisiiti.

Age. 3. Cap. 2.

De inquisitione faciend, q tangit illos
q sunt infra etatem, currat statutũ sine tẽpo-
ris limitacione.

3 **D**e terris alienatis per illos qui tenent
plegẽ Anglie, currat statutũ de hñodi fr̃is
alienatis post statutum illud publicatum.
Eodem modo currat statutum de terris br-
ozis alienatis per virum vbi finis in cui non
est inde leuat.

Cessauit. Cap. 4.

De terris dimissis ad feodi firmã, red-
dendo inde per annum quartam ptem veri
balozis

Religionis.

valoris earum, currat statutum, tam de
terris dimissis ante statutum editum, quam post
dummodo tenens detinuerit ultra duos annos
post statutum editum, id quod soluere debuit di-
missori per annum, iuxta scriptum conuentio-
nis illius.

¶ Wasse. cap. 5.

¶ De pena basti, de omnibus (preterquam
de dotibus & custodiis) intelligatur de bastis fac-
tis post statutum editum. Et de pena tripli in easi-
bus basti de dotibus et custodiis, intelligatur
de bastis factis post statutum editum.

¶ Entre. Cap. 6.

¶ De his qui alienant dotem suam intelli-
gatur post statutum editum.

¶ Dat apud Glof die dominica prox post
festum diui Petri ad vincula anno, R. R. E
1. sexto.

¶ Statutum de religiosis edi- tum Anno. vij. E. primi.

¶ Mortmaine. 3. Cap. I.



¶ Cum dudum prouisum fuerit, quod
viri religiosi non ingrederentur
feoda aliquorum, sine licentia et
voluntate capituli dominorum feodorum
de quibus feoda illa immediate
tenentur, & viri religiosi postmodum
nihilominus tam feoda sua propria, quam
aliorum

aliorum hactenus ingressi sunt, ea sibi ap-
 propriando, et emendo, & aliqui ex dono alio-
 rum recipiendo, per quod seruitia q̄ ex hu-
 iusmodi feodis debent, et q̄ ad defensionem
 regni ab initio prouisa fuerint, indebite sub-
 trahuntur, et capitales dñi escaetas suas in-
 de amittunt. Nos sup hoc p̄ utilitate regni
 nostri congruū volentes p̄uidere remediū.
 De consilio prelatoꝝū cōmū baroñ & alioꝝū
 fidelium regni nostri de consilio nostro ex-
 stentium, p̄uidimus, statuimus, et ordina-
 uimus, quod nullus religiosus, aut ali⁹ qui-
 cunq; terras aut tēta aliqua emere vel vē-
 dere, vel sub colore donationis, aut termini,
 aut ratione alterius tituli cuiuscunq; terras
 aut tenementa ab aliquo recipere, aut alio
 quouis mod⁹ arte vel ingenio sibi appropriare
 p̄sumat, sub forissactura eozundē, p̄ quod
 ad manum meztuā terre vel tēta huiusmo-
 di denentiant quoquomodo. Prouidim⁹ etiā
 q̄ si quis religiosus aut ali⁹ cōtra p̄sens sta-
 tut⁹ aliquo modo arte vel ingenio veniē p̄sup-
 serit, liceat nobis & alijs immediate capite
 dñis feodi talit̄ alienati illud infra annum a
 tēpe alienationis h̄mōdi, ingredi & tenere in
 feodo & hereditate. Et si capite dñus imme-
 diate negligens fuerit, et feod⁹ h̄mōdi ingredi
 noluerit infra annū, tūc liceat p̄ximo capite
 dño immediat⁹ feodi illi⁹, infra dimidiū annū
 sequētē, feod⁹ illud ingredi, & tenere sicut p̄
 est, Et sic q̄libet capitalis dñs immediate in-
 gredi pōt hōi feoda, si p̄pinq̄iez dñs imed⁹
 ad ingrediendū h̄mōdi feoda negligens fuerit

Religiolis.

ut predictum est. Et si omnes huiusmodi capitales domini huiusmodi feodi qui plene etatis fuerint, infra quatuor maria, & extra prisonam, per unum annum & dimidium negligentes fuerint, vel remissi in hac parte. Nos statim post annum completum a tempe quo huiusmodi emptiones, donationes, vel alios appropriaciones fieri contigerit, frater et tunc huiusmodi capiemus in manum nostram alios inde se offerabim⁹ per certa seruitia nobis inde ad defensionem regni nostri faciend⁹, saluis capital⁹ dominis feodorum illorum wardis, releu⁹is & escaetis, & alijs ad ipsos perti⁹, ac seruicijs inde deb⁹ et consuet. Et ideo vobis mandamus, qd statutum predictum coram vobis legi & de cetero firmiter teneri & obseruari faciatis. Teste me ipso apud Westm. xiiij. die Nouembris. Anno regni nostri. vij. & c. | M. C. ca. 36. W. 2. cap. 32. & 33. & W. 3. Anno. 18 E. 1. cap. 4.

Explicit statutum de Relig.

¶ Statutum de Acton Burnel ed⁹ Anno. xi. E. i.

¶ Reconissance & statut marchant. Cap. I.

Par ceo que merchautes, queux auant
ceux heures ount prests leur auoir as di-
uers gents, sont chues en pouertie, par
ceo que ils n'auoient pas si redy ley purueu, p
la quel ils poient leur dettes hastinemēt re-
couer

couerer al iour de la paye assigne, & per icel
encheson sont multz des marchantz sustretz
de venter en cest terre oue leur merchandises
as dam as marchantz, & de tout le Roialme
Le roy per luy, & per tout son conseil, ad or-
daine et estable, que merchant que voit estre
sore en son det, face venter son dettour deuant
le Maioz de Londres, ou de Buerwikke, ou
de Ryzistoll, ou deuant le Maioz & un clerke
que le roy a ceo attournera, consiler la det, et
le iour de paimēt, soit la reconus. entre en roll
de le maine la dit clerke que serra conue.
Duster ceo le dit clerke face de sa maine let-
tre obligaf, a quel escripture soit mis le seaf
le dettour, oue le seale le roy que a t soit pur-
neu, le qī seale demurra en le garde del maioz
& le clerke auantdit.

Et si le dettour ne luy rende al iour que luy
est done ou assis, si veigne le creansur al
maioz et al clerke oue la lettre oblig. Et si
troue soit per rolle ou per letter, que la det
fuit conue. & que le ioure assis est passe, le
Maioz per bien des prudes homes, mapn-
tenant face vendre les meobles du dettour
come atteint de la dette, sicome chateur bur-
gages deuifables, iesque a la somme de la
dette, et les deniers soient payes al crean-
sour. Et si le Maioz ne troue achatour,
face p reasonnable price liuerer les meobles a
creansour, iesque a la somme de la dette en
allowaunce de le dette. Et a la vende, et la
liueredes burgages deuifables serra mys le
seale le Roie auantdit. en pardurable tes-
moign

Adon Burnel.

moign. Et si le dettour n'est moebles en la poier le Maioz, dont le dette purt est leue, eins est ailleurs en la realme, donqz maunde le Maioz desouth le seale le roy auantdit al Chaunceller la conul, fait deuant luy & lauantdit clerke. Et le Chaunceller maunde brief al vic en que bailly auer moebles le dettour. Et le vic face faire grece al creansour p meisme la soyme, que le Maioz le ferroit, si les moebles le dettour fussent en son peyer. Et bien soy gardent ceux, q ont prais le bñs moebles pur liuerer al creansour, q ilz mettēt reasonable pze. Car silz les mettent troppe haute, en fauour del dettour, al dam del creansour, la chose prise soit liuer a ceux que luy laueront prais pur le pze q ilz en ont mis, & maintenant respoign al creansour de la det. Et si la dettour voult dire, q les biens moebles furent vendus ou liueres pur meines q ilz ne bailent de ceo ne purt il mie remede auoir, p quoy q le maioz ou le vicount eyent loialment les bñs moebles a celui q pl⁹ offert vendus, car il purra retier a luy m q auant le iour de la suit port ses bñs moebles auer vendue, & per ses mains les deniers, auoir leue, et ne voillet.

Et si le dettour n'est moebles, dōt la det purt estre leue, donques soit son corps prise ou que il sera troue, & en prison tenue, ielsqz a tant que il cil fait gre, ou ses amis pur luy. Et sil n'ad, dont il poet estre sustenus en prison, la creansour luy trouera paine et cwe, q ne mourge en prison pur defaute, les qur costages

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17.6
p⁹ d⁹ ne pay
ant mon
rentoyne
ont

costages le dettour luy rend oue le det, auāt q̄ il issēt del prison.

Et si le creansour soit merchāt estrāg. il demurra al costages le dettour tout le temps q̄ il demurt pur suer sa dtete leuer ieq̄ue al heure q̄ les biens moebles le dettour soient vendus ou a luy liueres.

Et si le creansour ne se paie pas de la suertie solement le dettour, per que pledges luy soiēt troues ou mainpernoirs, si les mainpernoirs ou les pledges veign̄ deuauant le maioz et le dit clerk, et soy obligent per escriptur̄ & recognus. sicome auant est dit del dettour. En m̄ le manour si la dette ne soyt paie a iour assis, soit fait l'execucion sur les pledges & mainpernoirs, come auant est dit del dettour. Et eit le creansour recouere sur les pledges & mainpernoirs come auant est dit del dettour.

Et issint ne pur quant que tanqz com̄ la dette puisse estre pleinement leue des biens moebles del dettour en la forme auantdit. Es mainpernoirs ou les pledges ne eyent dām̄mes en defaute des biens moebles du dettoz eit le creansour recouere sur les mainpernoirs ou sur les pledges en la fourme que auant est dit del dettoirs &c. Et a susteiner les costages de l'auantdit clerk, si prendra le roy de chescune liuer vn denier. Cest establisment voet le Roys que desormes soyt tenus & gard̄ per tout son Roialme de Anglitterre, entre quel gēz que ē soit, q̄ de lour demesne degree vouldrōt celi recognit̄s fait

Acton Burnel,

hez pze Jewes aux qur cest establiſhmēt
ne se extend pas.

Et per cest establiſhment ne soit pas bziese
de det abatus, et ne soient pas le Chaunce-
ler, Barons de leſchequer, Barons de lun
banke et de lauter, ou Juſtice errāts forcloſ
de pze dze recognuſances des detz des ceur
que deuant eux boudzont faire. Mes l'execu-
cion des recognuſances deuant eux ne soient
ſaitzen la ſorme auantdit, mes per la ley, et
les vſages, et les maners auante bles.

Done a Acton Burnel, le xij. iour

de October lan de noſtre

raigne | 11. bis ſtat de

Marcatozibus añ.

13. E. 1. |

¶ Statutum de Weſtm. ij. edit Anno. xiiij. E. primi.



Quoniam nuper dominus rex, in quin-
dena ſancti Iohannis Wap. anno
regni ſui vi. convocatis prelatis,
comitibus, baronibus, & conſilio
ſuo apud Gloſ, quia plures de reg-
no ſuo exheredationem patiebant, eo quod in
multis caſibus, ubi remedium apponi debuit
prius non fuit, per predeceſſores ſuos, aut p
ipſum remedium prouiſum, quedam ſtatuta
populo ſuo valdē neceſſaria & utilia edidit, per
q̄ populus ſuus Anglicanus & Hibernicus
ſub ſuo regimine guberātus celeriozem iuſti-
ciam

etiam, quam prius, in suis oppressionibus cō-
secutus est, ac quidam casus, in quibus lex
deficiebat remanserunt indeterminati & qdā
ad reprimentū oppressionē populi remanserūt
statuenda. Dñs rex in parlamento suo, post
Walcham, anno regni sui tercio decimo apud
Westm, multas oppressiones populi, & legum
defectus, ad suppletionem dicorū statutorū
apud Gloſ editorum recitari fecit, & statuta
edidit, vt patebit insequent.

¶ Taile 1.

Cap. 1.

C In primis de tenementis, que multociens dantur sub condicione, videlicet cum aliquis dat terram suam alicui viro, & eius uxori, et heredem de ipsis viro & muliere procreatis, adiecta condicione expressa tali. Si huiusmodi vir & mulier sine heredem de ipsis viro & muliere procreato obissent, terra sic data ad donatorem, vel ad eius heredem reuertatur. In casu etiam cum quis dat tenementum alicui in liberam maritagium, quod donum habet condicionem annexam, licet non exprimat in carta doni, que talis est. Quod si huiusmodi vir & mulier sine heredem de ipsis viro et muliere procreato obissent, tenementum sic datum ad donatorem, vel ad eius heredem reuertatur. In casu etiam cum quis dat tenementum alicui, & heredem de corpore suo exsuntibus, dum videtur, & ad huc videtur, huiusmodi donatoribus et heredibus donatorum, quod voluntas donatorum ipsorum in donis suis expressa non fuit prius, nec ad huc est observata. In omnibus enim predictis casibus post prolem

Б.і.г.

suscitatus

3. 5. 3. 1.
 1. 2. 3. 4.
 5. 6. 7. 8.
 9. 10. 11. 12.
 13. 14. 15. 16.
 17. 18. 19. 20.
 21. 22. 23. 24.
 25. 26. 27. 28.
 29. 30. 31. 32.

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suscitatum & exeuntē ab ipsis quibus tēn sic
 condicionaliter fuit datum, hucusq; habue-
 runt huiusmodi feoffati potestatem alienan-
 di tēn sic datum, & exheredandi exitum eorū
 contra voluntatē donatorum, & contra for-
 mam in dono expressam. Et preterea cū defi-
 ciente exitu de hūmōd feoffatis, tēn sic datum
 ad donatorem, vel ad eius heredes reuerti
 debuit per formā in charta de dono hūmōdi ex-
 pressā, licet exitus (si quis fuerit) obisset | p-
 factum | tamen | & feoffamentum eorum, quibus
 tēn sic fuit datū sub condicione, exclusi fuerūt
 hucusq; de reuersione eorundē tēn eorū, q̄ ma-
 nifeste fuit contra formā doni. Propter quod
 dñs rex perpendens, qđ necessariū & vtile est
 in predictis casibus apponere remediū, statu-
 it quod voluntas donatoris, secundū formā
 in charta doni sui manifeste expressam, de ce-
 ro obseruetur, ita quod non habeant illi, qui-
 bus tēn sic fuit datum sub condicione, potes-
 tatem alienandi tēn sic datum, quo minus ad
 exitum illozum, quibus tēn sic fuerit datum
 remaneat post eorum obitum, vel ad donato-
 rem, vel ad eius heredem (si exitus deficiat)
 reuertatur, per hoc quod nullus sit exit⁹ om-
 nino, vel (si aliquis exitus fuerit, et p mor-
 tem deficiet) herede de corpore huiusmodi ex-
 itus deficiente. | Nec habeat de cetero secun-
 dus vir huiusmodi mulieris aliquid in tēn sic
 dato per condicionem, post mortem vxoris
 sue, per legem Anglie: nec exitus de secundo
 viro et muliere successionem hereditariam:
 sed statim post mortem viri et mulieris, qui-
 bus

2. on

16.2

D. 2. 11.
 J. 2. 11.

bus tēn sic fuit datum, post eorum obitum ad eorum exitum, vel ad donatorem, vel ad eius heredem (vt predictum est) reuertatur. Et quia in nouo casu nouum remedium est apponendum: fiat impetranti tale breue. Precepe A. quod iuste &c. reddat B. tale manerium cum pertineñ, quod C. dedit tali viro, & tali mulieri, & heredē de ipsis viro & muliere exeuntibus: vel quod C. dedit tali viro in liberum maritagium, cum tali muliere, et qđ post mortem predictorum viri & mulieris predicto B. filio eorundem viri & mulieris discendere debet per formam donationis predictę, vt dicit: vel quod C. dedit tali & heredē de corpore suo exeuntibus, & quod post mortem ipsius talis, predicto B. filio predicti talis discendere debet per formam donationis &c. Breue per quod donator habet recuperare deficiente exitu, satis est in vsu in cancellaria. Et sciendum est quod hoc statutum quoad alienationem tenementi contra formam doni imposterum facieñs, locum habeat, et ad dona prius facta non extēdatur. Et si finis super huiusmodi tēn imposterum leuetur, ipso iure sit nullas. Nec habeat heredes huiusmodi, aut illi ad quos spectat reuersio (licet fuerint plene etatis, in Anglia, et extra prilonam) necesse apponere clamorē suum.

¶ Repleuine. 2.

Cap. 2

Quia domini feodorum distringentes tenentes suos, proseruicijs & consuetudinibus sibi debitis, multociens grauantur

G. iiij.

per

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per hoc, quod |cum| tenentes sui districtionē suam per breue, vel sine breue, replegiauerint ac cum ipsi domini (ad quersironiam tenentium suorum) ad com̄, vel ad aliam curiā habentem potestatem placitandi placita de betito namio per attachm̄ venerint, & rationabilem et iustam districtionem aduocauerint, per hoc quod tenentes disaduocant nihil tenere nec claimant tenere de eo qui districtionem fecit, et aduocauit, remansit ille qui distrinxit in misericordia, & tenentes sui quieti, quibus pro illa disaduocatione per recordum com̄, siue aliam curiarū, que recordum non habent, pena infligi non potest. De cetero prouisū est & statutū, q̄ cū h̄modi dñi in com̄ vel h̄modicuria, iusticiā de h̄modi tenentibus suis consequi nō possint, quam cito attachiati fuerint ad sectam tenentium suorum, concedatur eis breue ad ponendum loquelam |illam| coram Iusticiarijs, coram quibus (et non alijs) iusticia huiusmodi dominis exhiberi poterit, & inferat causa in breui, quia talis distrinxit in feodo suo pro seruic̄ & cons. sibi debitis. Nec per istud statutum derogat legi communi vlitate, qđ non permisit aliquod placitum poni coram iustic̄ ad petitionē defendent: quia licet prima facie videatur tenēs actor, & dominus defendens, habito tamē respectu, ad hoc quod dominus distrinxit, et sequit̄ pro seruic̄s et cons. sibi a retro existenti realiter apparebit potius actor, siue querēs, quam defendens. Et vt in certo sint Iustic̄, de qua recenti seissina poterint domini aduoca

re rationabilem districtionem super tenentes
 suos de cetero concordatum est, quod ratio-
 nabilis distractio poterit advocari de seissina
 antecessorum vel predecessorum suorum, a
 tēpore quo breue none visse sine currit, | vide
 W. 1. ca. 38. | Et quia aliquando contingit, q̃
 genens postquam replegiaverit averia sua, a-
 veria illa vendit vel elongat, quo minus re-
 tornum possit fieri domino distringenti, si ad-
 iudicetur. Provisum est, quod viñ, vel balliui
 de cetero non recipiant a conquerentibus so-
 lummodo plegios de p̃seguendo, antequam
 deliberationē faciant de averijs, sed etiam de
 averijs retornandis, si adiudicet retornum.
 Et si quis alio modo plegios ceperit, respon-
 deat ipse de p̃cio averiorum. Et habeat do-
 minus distringens recuperare per breue, qđ
 reddat ei tot averia, vel tot catalla. Et si non
 habeat ballivus unde reddat, reddat superior
 suus. Et quia aliquando contingit, quod post-
 quam adiudicatum fuerit distringenti reto-
 num averiorum, & sic districtus, postquam a-
 veria sic retornata iterum replegiaverit, cum
 biderit distringentem comparentem in curia
 paratum sibi respondere, defaultam fecerit, ob
 quam iterum readiudicabitur distringenti re-
 tornum averiorum, & sic bis vel ter & infinitū
 replegiabuntur averia, nec habebunt iudicia
 curie regis in hoc casu effectum, super q̃o nō
 fuit prius remedium provisum: Ordinatum
 est in hoc casu talis processus, quod quancito
 adiudicatum fuerit retornum averiorū dis-
 tringenti, per breue de iudicio, mandetur viñ
 quod

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quod retorum habere faciat distringenti de
 auerijis, in quo breui inferatur, quod biē ea
 non deliberet sine breue: in quo fiat mencio
 de iudicio per iusticiā reddi: quod fieri non
 poterit, nisi per breue quod exeat de rotulis
 Iusticiā, coram quibus deductū fuerit loquela
 Cum igitur | districtus | adierit iusticiā, & peti-
 erit aueria sua iterū sibi replegiari, fiat ei bre-
 ue de iudicio, quod biē (capta securitate de
 • prosequendo, et etiam de auerijis seu cattal-
 lis retornandū, vel eorum precio, si adiudice-
 tur retorum) deliberet ei aueria, vel cattal-
 la prius retornata: et attachietur ille qui
 distrinxit, ad veniendū ad certum diem coram
 iusticiā, coram quibus placitum deducatur in
 presentia partium. Et si iterato ille, qui re-
 plegiauerit aueria, fecerit defaultam, vel alia
 occasione adiudicetur retorum districtio-
 nis tam bis replegiatum, remaneat districtio illa
 in perpetuum irreplegiabilis. Sed si de
 nouo, et de noua causa fiat districtio, de no-
 ua districtione seruetur processus supradic-
 tus.

¶ Cui in vita. I.

Cap. 3.

¶ In casu quando vir amiserit per defal-
 tam tenē, quod fuit ius uxoris sue, durū fuit
 quod uxor post mortem viri non habuerit ali-
 ud recuperare quā p breue de recto. Propter
 quod dñs rex statuit, quod mulier post mortem
 viri sui habeat recuperare per breue de ingres-
 su, cui ipsa in vita sua contradicere nō potuit
 quod in forma subscripta erit placitandū. Si
 contra petitionem mulieris tenens excipiat,
 quod

qđ habueit ingressum per iudiciū et com-
pertum fuerit, quod per defaultam, ad qđ te-
nens necesse habet responderē, si ab eo querat
tunc vltterius habet necesse ostendere ius suū
secundū formam breuis, qđ prius impetrauit
super virum & vxorem. Et si verificare po-
terit, quod habuerit, vel habet ius in tē pe-
rito, nihil capiat mulier per breue suū. Quod
si ostendere non poterit, recuperet mulier tē
petitum, hoc obseruato, quod si vir absentā-
uerit se, & noluerit ius vxoris sue defendere,
vel in vita vxore sua reddere voluerit, si vx-
or ante iudiciū venerit, parata petenti re-
pondere, & ius suū defendere, admittatur
vxor. Eodem modo si tenens in dotem per
legem Anglie, vel aliter ad terminum vite
vel per donum in quo reseruatur reuertio,
fecerit defaultam, vel reddere voluerit, admit-
tantur heredes, vel illi ad quos spectat reuer-
sio, ad responsionem, si venerint ante iudiciū
Et si per defaultam, vel reddicionem reddat
iudiciū, tunc habeant heres, vel illi ad quos
spectat reuersio, post mortem huiusmodi te-
nentium, recuperare per breue de ingressu: in
quo obseruetur idem processus, sicut pre-
dictum est in casu vbi vir amittit per defaultā
tē vxoris sue. Et sic in casibus predictis
due concurrunt actiones: vna inter petentem
et tenentem, & alia inter tenentem ius suū
ostendentem & petentem. / vide 20. E. 1. Defē-
sio iuris.

¶ Dower. 3.

Cap. 4.

In casu quando vir implacitatus de
tē

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teñ reddit tenementum petatum aduersario
suo de plano, post mortem vires, iusticiarij ad-
iudicent mulieri dotem suam, si per breue pe-
tat. Sed in casu quando vir amittet per de-
saltam tenementum petatum, si mulier post
mortem viri petat dotem, & compertum est,
quod per aliquos Iusticij ad iudicata fuit dos
mulieri petenti, non obstante desalta, quā vir
suis fecit alijs Iusticij in contraria opinione
existentibus, & contrariam iudicantibus, vt
de cetero huiusmodi ambiguitas amputetur
& sit in certo: Ordinatum est quod in vtro-
que casu audiat mulier, que dotem petit.
Et si excipiat contra ipsam, quod vir su-
teñ, vnde dos petita est, amisit per iudicium,
per quod dotem habere non debet, & si q̄rat
per quod iudicium et compertum fuerit quod
per desaltam, ad quod tenens necesse habet
respondere, tunc oportet tenentē vltius res-
pondere, & ostendere quod ipse tenens ius
habuit, & habet in predicto teñ, secundū for-
mam breuis, quod tenens prius super virum
impetrauit. Et si ostendere poterit, quod vir
mulieris non habuit ius in teñ, nec aliquis al-
lius quam ipse qui tenet: recedat quietus, et
vires nihil capiat de dote. Quod si ostendere
non poterit, recuperet mulier dotem suam.
Et sic in casibus istis, et in quibusdam casib⁹
subsequentib⁹. s. quando vires dotata amittat
dotem suam per desaltam, et tenentes in li-
bero maritagio per legem Anglie, vel ad ter-
minum vite, vel per feodum talliatum, con-
currunt plures actiones. Quia huiusmodi
tenentes

tenentes, cum oporteat eos petere tenementa
sua per defaultam amissa, et cum ad hoc per=
uentum fuerit, quod tenens necesse habet os=
tendere ius suum, non possunt ipsi, sine his ad
quod spectat reuersio, de iure respondere: et
ideo concedatur eis, quod vocent ad warrānt
secundum tenorem breuis, ac si essent tenen=
tes | in pziōi breui | warrānt habeant. Et cū
warrantus warrantizauerit, procedat placi=
tū inter illum qui seiscitus est, et warrantū
secundum tenorem breuis, quod tenens pzi⁹
impetrauit, et per quod recuperauit per defal=
tam. Et sic ex pluribus actionibus ad vitimū
perueniat ad vnum iudicium, videlicet ad
hoc quod huiusmodi petentes recuperent pe=
ticionem suam, vel quod tenentes cant quieti.
Et si actio huiusmodi tenentis, qui necesse ha=
bet ostendere ius suum, mota fuerit p breue
de Recto, licet Magna assisa, vel duellum
iungi nō possūt p verba cōsuetā, | iungi | tamē
possunt per verba satis apta. Quia cum te=
nens in hoc quod ostendat ius suum, quod
ei competet per breue quod prius impetrauit
| et | sit loco actōis, bene poterit warrānt de=
fendere ius tenentis, qui loco petentis (vt dic=
tum est) habet et seisinam antecessoris sui os=
ferre et defendere per corpus liberi hominis
sui, vel ponere se in magnam assisam, et petet
inde recognitionem fieri, vtrum ipse maius
ius habeat in tenemento petito, an pdictus
talīs, vel alio modo iungi poterit magna as=
sisa, et sic talis warrānt defendi ius &c. Et
cognoscit seisinam antecessoris sui et ponit se
in

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in magnam assisam &c & petit recognitionem fieri, utrum ipse malus ius habeat in predicto tenemento, ut in illo de quo seoffavit talem, vel quod talis remisit & quietum clamavit &c. an predictus talis &c. Cum aliquando contingat, quod mulier non habens ius petendi dotem hereditatis heredis alicuius infra etatem existentem, impetret breve de dote super custodem & custos per favorem mulieris dotem reddiderit, vel defaultam fecerit, vel placitum ita sicut per collusionem defendierit, per quod dos huiusmodi mulieri (in prejudicium heredi) adiudicata fuerit: provisum est quod heres, cum ad etatem pervenierit habeat actionem petendi seisinam antecessoris sui versus huiusmodi mulierem, qualem haberet versus quemcunque alium deforciantem, ita tamen quod salva sit mulieri versus petentem exceptio ostendendi, quod ius habet in dote sua, quod si ostendere poterit, recedat quiesca, & dotem suam retineat, & sit heres in misericordia, & amercietur graviter secundum discretionem Iusticiariozum. Sin autem, recuperet heres petitionem suam. Eodem modo subornietur mulieri, si heres vel alius eam implacitauerit de dote sua, si dotem suam per defaultam amiserit. In quo casu sua defaulta non sit ei ita prejudicialis, quin dotem suam (si ius habeat) recuperare possit, & fiat ei tale breve. Precipe N. quod iuste &c. reddat tali, que fuit uxori talis tantam terram cum pertinentiis in C. quam clamat esse rationabilem dotem suam vel de
ratio

rationabili dote sua, & quam predictus talis ei deforzeat. Et ad istud breve habeat tenens exceptionem suam, ad ostendū, quod mulier ius non habet in dote. Quod si verificare poterit, recedat quietus, alioquin recuperet mulier tē. quod prius tenuit in dote. Et cum temporibus retroactis aliquis amisisset terram suam per defaultam, non habuit aliud recuperare quam per breve de recto, qđ eis cōpetere non potuit, qui de mero iure loqui nō potuerunt. Veluti tenentes ad terminum vite, vel per liberum maritadium, vel per secundum talliatum, in quibus casibus saluatur reuersio. Provisum est quod de cetero nō sit eorum defaulta eis ita prejudicialis, quin statū suū (si ius habeant) recuperare possint p aliud breve quam per breve de recto. De maritagio amisso per defaultam fiat tale breve. Recipe ꝑ quod iuste &c. reddat B. manerium de C. cum partisi, qđ clamat esse ius, et maritadium suum, & qđ predictus A. ei deforzeat. Eodem modo de tēto ad terminū vite per defaultam amisso, fiat tale breve. Recipe ꝑ qđ iuste &c. reddat B. manerium de C. cū partisi, quod clamat tenet ad terminum vite sue, et quod predictus A. ei deforzeat. Similiter quod clamat tenet sibi & heredibus suis de corpore suo legitime procreatis, & qđ predictus A. ei deforzeat &c.

¶ Auowson. I.

Cap. 5.

Cum de aduocationibus ecclesiarum non sint nisi tria breuia originalia. videlicet breve de recto, & duo de possessione, scz ultime pre-

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presentationis, & quare impedit & hucusque
 vsitatum fuerit in regno, qđ cum aliquis ius
 presentandi non habens presentauerit ad ali-
 quam ecclesiam, cuius presentatus sit admissus,
 ipse qui verus est patronus, per nullum
 aliud breue recuperare potuit aduocationem
 suam, quam per breue de recto quod habet ter-
 minare per duellum, vel per magnam assisam
 per quod heredes infra etatem existē p̄ frau-
 dem et negligentiam custodum, heredes etiā
 siue maiores, siue minores, per negligentiam
 vel fraudem tenentium per legem Anglie, vel
 mulierum tenentium in dote, vel alio modo
 ad terminum vite, vel annorum, vel per
 feodum talliatum, multociens exheredacio-
 nem patiebantur de aduocationibus illis, vel
 ad minus (quod eis melius fuit) poneban-
 tur ad breue de recto, & in casu omnino ex-
 heredati fuerunt hucusque. Statutum est
 quod huiusmodi presentationes non sint hu-
 iusmodi rectis heredibus, aut illis ad quos
 post mortem aliquorum huiusmodi aduocati-
 ones reuerti debent, ita p̄iudiciales quin
 quotienscunque aliquis ius non habens, tem-
 pore huiusmodi custodiarum presentauerit,
 vel tempore tenentium in dote, p̄ legē Angl̄,
 vel alio modo ad terminum vite, vel annorū
 vel per feodum talliatum, in proxima vaca-
 cione, post qđ heres ad etatem peruenerit, vel
 aduocatio post mortem tenentium in forma
 predicta ad heredē plene etatis existē reuer-
 tet̄, habeat eandem actionem & recuperatio-
 nem per breue de aduocatione possessorum
 qualem

qualem haberet ultim⁹ antecessor huiusmodi heredis plenam h^{is} etatem. in ultima vacatione tempore suo accidente ante mortem suam, vel antequam dimissio facta fuerit ad terminum, vel ad feodum talliatum, ut predictum est. Hoc idem obseruetur de presentationibus factis ad ecclesias de hereditate virorum, tempore quo fuerunt sub potestate viro-
 rum suorum, quibus per istud statutum subueniatur, per remedium supradictum. Viris etiam religiosis, ep^{is}, archidiaconis, rectoribus ecclesiarum, et alijs personis ecclesiasticis per istud idem statutum subueniatur, si aliquis ius presentandi non habens presetauerit ad ecclesias domus sue prelatie, dignitati aut personatus spectantes, tempore quo vacauerint prelatie dignitatis, aut personatus huiusmodi nec tamen ita large intelligatur istud statutum, quod, persone, ad quorum remedium statutum istud est editum, habeant recuperare supradictum, dicentes quod custodes, tenentes in dotem, per legem Anglie, vel alias ad terminum vite, vel annorum vel viri ficti defenderint placitum per ipsos vel contra ipsos motum, quia iudicia in cuius regis redditus per istud statutum non adnihilentur sed stet iudicium in suo robore, quousque per iudicium curie regis tanquam erroneum (si error inueniatur) adnulletur, vel assisa ultime presentationis, vel inquisicio per quare impeditur si transierit per attinctam, vel per certificationem adnulletur, que gratis concedatur. Et de cetero una forma placitandi in h^{is} ultimis

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ultime presentationis, & quare impedit, inter iustitiam obseruetur, quo ad hoc quod si pax
rea excipiat de plenitudine ecclesie per suam
propriam presentationem, non propter illam plenitudinem remaneat loquela, dummodo bene
infra tempus semestre impetretur, quam infra
tempus semestre presentationem suam recuperare non possit. Et cum aliquando inter plures
clamantes aduocationem alicuius ecclesie pax
fuerit formata inter partes, & irrotulata coram
iusticiariis in rotulo, vel in fine sub hac forma quod unus primo presentet, & in sequenti
vacatione alius, & in tertia tertius, & sic
de pluribus, si plures sint. Et cum unus presentauerit, et habuerit suam presentationem,
quam habere debet per formam conuentionis illius, et in proxima vacatione impediat
tur ille ad quem spectat sequens presentatio
per aliquem qui fuit pars illius conuentionis, vel loco eius: statutum est quod de cetero
non habeat huiusmodi Impeditus necesse
perquirere bene de Quare impedit, sed
habeat recursum ad rotulum, vel ad finem.
Et si in rotulo, vel in fine comperta fuerit
predicta pax, vel conuentio, mandetur vice, quod
scire faciat parti impedienti, quod sit ad aliquem
diem continentem spacium. xv
dierum, vel trium septimanarum, secundum
quod locus est propinquus vel remotus, ostens.
(si quid sciat dicere) quare sic impeditus tale
presentationem suam habere non debeat. Et
si non venerit, vel forte venerit, et nihil sciat
dicere, quare sic impeditus presentationem
suam

suam habere non debeat ratione alicuius facti
 post pacem factam, vel irrotulatā, vel chiro-
 graphatam, recuperet presentationem suam
 cum damnis suis. Et cum contingat quod
 post mortem antecessoris sui, qui ad aliquā
 ecclesiam presentavit personam, assignata fu-
 erit illa aduocatio in dotem alicuius mulie-
 ris, vel tenenti per legem Anglie, et tenen-
 tes in dotem, vel tenentes per legem Anglie
 presentauerint, et verus heres post mortem
 huiusmodi tenentium per legem Anglie, vel
 in dotem, impediatur presentare, cū ecclesia
 vacauerit. Provisum est, quod de cetero sit
 in electione impediti, vtrum pquirere velit p
 breue de Quare impedit, vel vltime presenta-
 tionis. Hoc etiam de cetero obseruetur v ad-
 uocationibus dimissis ad terminū vite, vel
 annorū, vel ad feodū talitatis. Et de cetero in
 breuibz vltime presentationis, & Quare im-
 pedit, adiudicentur damna, videlicet si tempus
 semestē transierit p impedimentum alicuius,
 ita quod ep̄s ecclesiam cōferat, & verus pa-
 tronus ea vice presentationem suam amittat,
 adiudicentur damna ad valorem ecclesie de
 duobus annis. Et si tempus semestre non
 transierit, sed distracionē presentatio infra tē-
 pus predictum, tunc adiudicentur damna ad
 valorem medietatis ecclesie p vnum annum.
 Et si impeditoꝝ nihil habeat, vnde restituere
 possit damna, in casu qñ ep̄s cōfert [ecclesie]
 p lapsum temporis puniatur p prisonam du-
 orū annoꝝ. Et si aduocatio distracionē infra
 tempus semestre, puniatur tñ impeditoꝝ per
 prisonam

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p̄sonam dimidū anni. Et de cetero cōcedāt breuia de capellis, p̄bendis, vicariis, hospitalibus, abbatibus, p̄ioratibus, & alijs domibus que sunt de aduocationibus aliorum, q̄ prius concedi non consueuerunt. Et cū per breue indicauit, impeditur rector alicuius ecclesie, ad petendū decimas in vicina parochia, habeat patron⁹ rectori sic impediti breue ad petendū aduocationem decimarum petitarum. Et cum distracionatum fuerit, procedat post modum placitum in curia Christianitatis, quatenus distracionat⁹ fuerit in curia regis. Cū aduocatio descendat perticipibus, licet vnus bis p̄sentet, et vsurpet super coheredem, nō p̄pter hoc exclusus sit ille in toto q̄ fuit negligens, sed alias habeat turnū suū p̄sentandi cum acciderit.

¶ Voucher. 4. Cap. 6.

Cum quis petat tēi versus alium, et implacitatus vocauerit ad warrantū, & warrantus dedicat warrantiam, et diu pendeat placitum inter tenentem et warrantum, cū ad vltimum conuincatur, quod vocatus ad warrantum warrantizare tenetur p̄ legem & cons. hactenus visitat⁹, non fuit ante alia pena inflicta vocato, qui warrantiam dedixit, nisi tamen quod warrantisaret, et esset in mīa quia prius non warrantisauit, quod durū fuit petēti quia multociens per collusionem inter tenentem et warrantū magnas sustinuit dilationes. Propter quod dominus rex statuit, quod sicut tenens amitteret tēi petitum si vocasset ad warrantum, et warrantus se posset

posset deuoluere de warantia, eodem modo amittat warantus si warantiā dedicat, & cōuincat quod warantizare debeat. Et si inquisitio pendeat int̄ tenentē et warantum, & petens petat breue ad faciendū venire iuratā, concedatur ei &c.

¶ Admesurement de dower. I. Cap. 7.

Custodi de cetero concedatur breue de admesuratione dotis. Nec per sectam custodis ficto et per collusionem sequatur, nisi mulierē tenentem in dotem, p̄cludatur heres cū ad etatē puenerit ad dotem admensurandā, secundum quod p̄ legem Anglie fuit admensurandū. Et tam in isto breui, quam in breui de admensuratione pasture, celerior quā prius de cetero sit processus, ita quod cū peruentū fuerit ad magnā diffrictionem, dent dies, infra quos duo com̄ teneantur, ad quos publica fiat proclamatio, qđ defendens ueniat ad diem in breui contentum querenti respōdē. Ad quem diem si uenerit, procedat placitū inter eos, et si nō uenerit, et proclamatio supradicto modo par viē testificata fuerit, pcedatur per defaultam ad admensurationem faciendam.

¶ Admesurement de pasture. I. Cap. 8.

Cum per placitum motum per breue de admensuratione pasture, pastura fuerit admensurata aliquā coram iustitē, aliquā in corā coram viē multotiens contingit, quod post huiusmodi admensurationem actam, iterū ponit ille, qui primo superoneravit pasturā, plura animalia quam ad ipsam pertinet habē.

¶ ij-

bend,

fitz. r.
p. 2
fmo 8
ad adm

westminster secunde

hend. nec super hoc hucusq; prouisum fuisset
remedium statutū est quod de secunda super-
oneratione fiat remedium conq̄renti sub hac
forma, quod conquerens habeat breue de iu-
dicio, si coram iustis ad mensurata fuerit pas-
tura, quod viē in p̄sentia partium p̄monita-
rum (si interesse voluerint) inquirat de scda
suponeratione. Que si inuenta fuerit, man-
det iustis sub sigillo viē, & sigillis iuratoꝝū,
& iusticiarij adiudicent conquerenti dāna, et
ponant in extractis valorē animalium que su-
ponerant post ad mensurationē factā, posuit
in pastura, ultra quod debuit, et extractas
liberent baronibus de scaccario, vt inde res-
pondeāt dño reg. Si in com̄ facta fuerit ad-
mensuratio, tunc ad instantiam q̄rentis exe-
at breue de cancellaria. quod viē inquirat su-
per huiusmodi superoneratione, & de auerijis
positis in pasturam ultra debitū numerum,
vel de precio domino regi ad scaccarium suum
r̄ndeat. Et ne viē fraudem faciat dño regi in
isto casu. concordatū est. qđ omnia huiusmo-
di breuia de secunda superoneratione, q̄ ex-
eunt de cancellaria, irrotulentur, et in fine
anni mittant transcripta ad scaccarium sub
sigillo Cancellarij, vt videant thesaurarius
& barones de scaccario qualis viē r̄ndeat de
exitibus h̄modi b̄nium. Eodem modo irrotu-
lentur b̄ria de redditis sine, et mittantur ad
scaccarium in fine anni.

¶ Mesne. I. Cap. 9.

Cum capitales dñi distringunt feodis
suum pro consuetudinibus, et seruicijs sibi
debitis

debitis, et medius sit qui tenentem acquiescere debeat. cum non iaceat in ore tenentis postquam districtionem replegiuerit, deducere demandam capitalis domini sui, qui ad uocat in curia regis iustam districtionem fieri super tenentem suum, uel super medium, multi per huiusmodi districtiones hucusque grauati extiterunt, per hoc quod medius (licet haberet per quod distringi posset) magnas fecit dilationes antequam ad curiam uenerit ad respondendum huiusmodi tenentibus suis ad breue de medio, per hoc etiam quod durius fuit in casu quam medi⁹ nihil habuit, in casu etiam cum tenens paratus esset facere capitali domino seruicia et consuetudines exactas, et capitalis dominus seruicia et cons. sibi debitas renuebat percipere per manum alterius quam per manum proximi tenentis sui, et sic amiserunt huiusmodi tenentes in dominico proficuum terrarum suarum aliquando ad tempus aliquando toto tempore suo, nec fuit antea aliquod remedium in hoc casu prouisum. Ordinatum est et prouisum in hoc casu remedium in posterum sub hac forma, quod quam cito huiusmodi tenens in dominico habens medium inter ipsum et capitalem dominum distringitur, statim perquirat sibi tenens breue de medio. Et si medius habens terram in eodem comitatu diffugerit usque ad magnam districtionem, detur querenti in brevi suo de magna districtione talis dies, ante cuius aduentum duo comitatus teneantur, et precipiatur breui quod distringat medium per magnam districtionem, prout in breui continetur. Et

H. liij.

nihilō-

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nihilominus viſ in duobus plenis com̄ ſolē-
 niter pclamare faciat, quod huiusmodi me-
 dius veniat ad diem in breui contentū, reſpō-
 ſurus tenenti ſuo. Ad quem diem ſi venerit,
 procedat placitum inter eos modo conſucto.
 Et ſi non venerit huiusmodi medius, ſmit-
 tat ſervitium tenentis ſui, & amodo nō reſ-
 pondeat ei tenens in aliquo, ſed (omisso illi
 medio) reſpondeat capitali domino de eiſd
 ſervitijs et conſ. que prius ſacere debuit pre-
 dictus medius. Nec habeat capitalis domi-
 nus poteſtatem diſtringēdi | tenentes in do-
 minico | dum predictus tenens offerat ei ſer-
 vicia debita et conſueta. Et ſi capitalis do-
 minus exigerit plus quam medius ei ſacere
 deberet, habeat tenens in hoc caſu exceptio-
 nem | verſ⁹ dominum quam haberet medi⁹.
 Si vero medius nihil habuerit in poteſtate
 regis: nihilominus perquirat tenens breue
 ſuum de medio, ad viſ illius com̄ in quo diſ-
 tringitur. Et ſi viſ mandaverit, quod medi⁹
 nihil habeat vnde poteſt ſummoneri, nihilo-
 minus ſequatur breue de attachiamento. Et
 ſi viſ mandaverit, quod nihil habet p quod
 poteſt attachiari, nihilominus ſequat⁹ breue
 de magna diſtrictione et fiat proclamatio in
 forma predicta. Si vero medius non habeat
 terram, in com̄ in quo ſit diſtrictio, ſed habe-
 at terram in alio com̄, tunc exeat breue origi-
 nat⁹ ad ſummonendū medium, ad viſ illi⁹ com̄
 in quo ſit diſtrictio. Et cum teſtificatum ſu-
 erit per illum viſ, quod nihil habet in com̄
 ſuo, exeat breue de iudicio ad ſum̄ medium,
 ad

ad biē, illius com̄, in quo testificat̄ fuerit qđ
habet tenē, et fiat secta in illo com̄, quousq; p=

ueniatur, ad magnam districtionem et pro=

clamationem, sicut dictum est supra de me=

dio habente terram in eodem com̄ in quo sit

districtio. Et nihilominus fiat secta in com̄

in quo nihil habet (sicut dictum est supra de

medio nihil habente) quousq; perueniatur ad

magnam districtionem, et proclamationem,

et sic post proclamationem in utroque com̄

factam ab iudicetur medius de feodo & ser=

uicio suo. Et cum aliquñ cōtingat, quod tenēs

in dominico feoffatus est, ad tenendū de me=

dio per minus seruicium quam medius fa=

cere debuit capitali domino, cum post huius=

modi proclamationem attornatus sit tenens

capitali domino, medio omisso, necesse habet

tenens respondere capitali domino de serui=

cijis & cons. que medius ei prius facere debu=

it, et postquam medius venerit in cur̄, & cog=

nouerit, quod acquietat̄ debet tenentem su=

um, vel adiudicetur ad acquietandū, si post

huiusmodi cognitionem aut iudicium queri=

monia perueniat quod medius non acquie=

tat tenentem, tunc exeat breue de iudicio, qđ

biē distringat medium ad acquietandū tenen=

tem, & ad ostendū coram iustic̄ ad certum diē,

ad ostendendū quare prius eum non acquieta=

uit. Et cum per districtionem venerit, audi=

atur querens. Et si querens verificare po=

terit, qđ ipsum non acquietauit, satisficiat de

damnis, et per iudicium recedat tenens qui=

etus de suo medio, et attornetur capitali

domino

westminster seconde

domino. Et si ad primam distinctionem non venerit, exeat h̄e de alia districtione, & fiat proclamatio, et post quā testificat fuerit, prebatur ad iudicium, sicut superius dictū est, Et sciendum est, quod per hoc statutū non excluduntur tenentes, quin habeant warrantiam, si de tenementis suis implacitent, super medios suos et eorum hered, secundū q̄ pri^{us} habuerunt, nec etiam excludūtur tenentes, quin sequi possant versus medios suos, secū^{ndū} dñi consuetudinē pri^{us} vsitatā, si viderint qđ processus eorum plus valeat per antiquam cons. quam per istud statutum. Et sciendum est, quod per istud statutum non prouidetur remedium quibuscunque medijs, sed solummodo in casu cum sit vnus medi^{us} tm̄, int̄ dominum distringentem et tenentem, & in casu qñ medius ille est plene etatis, et in casu qñ tenens sine p̄iudicio alterius quam medi^{ij} atcoznare se potest capitali domino, qđ dictum est pro mulieribus tenentibus in dotē, et tenentibus per legem Anglie, vel aliter ad terminum vite/bel/ per feodum talliatum, quibus pro aliquibus causis nondum est p̄uisum remedium, sed (deo dante) alias prouidebitur.

¶ Iustices en eyre. 3. Cap. 10.

Cum in itinere iustit^{ie} proclamatiū fuerit, quod omnes qui h̄ia liberare voluerint, ea liberent infra certum terminum, post quem nullum h̄ene recipiatur, multi de hoc confidētes, cum moram fecerint vsque ad p̄dictum terminū, et nullū h̄e super eos fuerit liberatū

liberatū, de licentia iusticiē recessit, post quo-
rum recessum aduersarij sui ipsorum absenta-
tiam percipientes, breuia sua porrigunt in
cera, que aliquñ p̄ fauorem, aliquñ p̄ dono p̄ b̄-
cecomitem recipiūtur, et illi, qui secure cre-
debant recessisse, ten̄ sua amittunt, vt huius-
modi fraudi subueniatur in posterū statuit
dominus rex, quod iusticiē in itineribus suis
statuant t̄minū quindene, vel mēsis, mino-
ris vel maioris t̄mini, sc̄b; quod com̄ fuerit
maior vel minor, infra quem terminū publiē
proclametur, quod omnes q̄ breuia liberare
voluerint, ea liberent infra terminum illum.
Et in aduētū illi⁹ termini certificet b̄c ca-
pitali iusticiē itinerātī, quot b̄cia habet, & que
et quod vltra illum terminum nullum b̄c
recipiat: quod si receptum fuerit, process⁹
per illud factus, pro nullo habeatur: excepto
quod breue cassatum durante toto itinere re-
leuari poterit. Breuia etiam d̄ dote de viris
qui obierint / al̄ seisiiti / infra summonitionē
itineris, assise vltime presentationis, & quare
impedit de ecclesijs vacantibus, infra sum-
monitionem predictam, quocunque tempore
ante recessum iusticiē recipiantur in itinere.
Breuia etiam noue disseisine, quocūq; tē-
pore facta fuerit disseisina, recipiantur in iti-
neribus iusticiē.

¶ Attourney. 2.

¶ Concedit dñs rex de gratia speciali, qđ
illi qui habent ten̄ in diuersis com̄, in quib⁹
iusticiē itinerant, vel de quibusdā ten̄ in com̄
in quo iusticiē nō itinerant timent implacitatē,
et

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et de alijs tñ in com̃, in quo iustit̃, non ite-
nerant, implacitentur: vt coram iustit̃, apud
westm̃, vel de banco domini regis, vel co-
ram iusticiarijs ad assisas capiēdas assigna-
tis, vel in aliquo com̃ corā iustit̃, vel in aliqua
cū baroñ, facere possint generalem attornat̃
ad p̃sequendum p̃ eis in omnibus placit̃
in itinere iustit̃ p̃o ipsis vel contra ipsos
motis vel mouendis, durante itinere. Qui
quidem attornatus, vel attorñ, habeat po-
testatem in placitis motis in itinere quousq̃
placitum terminetur, vel dominus suus ip-
sum amouerit, nec per hoc excusentur,
quin sint in iuratis, et assisis coram eisdem
iustit̃.

¶ Accompt. 2. Cap. II.

C De seruiantibus, balliuis, camerarijs, &
quibuscunq̃ receptoribus, qui ad compotum
reddendū tenentur, concordat est & statutum,
quod cum dominus huiusmodi seruiant̃ de-
derit eis auditores compoti, et contingat ip-
sos esse in arrearagijs super compotum suum
omnibus allocatis, et allocand̃, arrestentur
corpora eorum, et per testimonium auditorū
eiusdem compoti mittantur et liberent̃ p̃xi-
me gaule domini regis in partibus illis et a
biē seu custode eiusdem gaule recipiantur, et
carceri mancipentur in terris, et sub bona
custodia, et in illa p̃sona remaneant de suo
proprio viuentes, quousque dominis suis de
arrearagijs plenarie satisfecerint. At tñ si q̃s
sic gaule liberatus conqueratur, quod audi-
tores compoti sui ipsum iniuste grauauerūt,
onerando

*of n. 8. 57 sic gaule liberatus conqueratur, quod audi-
tores compoti sui ipsum iniuste grauauerūt,
onerando
auditorum, namq̃ on Auditorum sunt
signis & de dunt*

onerando ipsum de receptis que non recepit.
 vel non allocando ei expensas aut liberatio-
 nes rationabiles. et inueniat amicos. que etiam
 manucapere voluerint ad ducendū coram ba-
 ronibus de scaccario, liberetur eis, et scire
 faciat viſ (in cuius pſona fuerit) domino
 quod sit coram baronib⁹ de scaccario ad ali-
 quem certum diem cum rotulis & alijs per
 quos compotum suū reddiderit, & in pſecia
 baronum vel auditozum, quos assignat vo-
 luerint, recitet compotus, & fiat partib⁹ ius-
 ticia, ita qđ si fuerit i arreragijs, committat
 gaole de flete, vt supra dictum est. Et si
 diffugerit, & gratis compotū reddere nolue-
 rit, sicut in alijs statutis alibi continetur,
 | Marlebr. cap. 23. | distringatur ad veniendū
 coram iustit, ad compotum reddendū, si ha-
 beat per quod distringi possit. Et cum ad cu-
 riam venerit, dentur ei auditores compoti,
 coram quibus si fuerit in arreragijs, et sta-
 tim arreſ soluere non possit committat ga-
 ole, custodiendū in forma pſdicta. Et si diffu-
 gerit, et testificatum fuerit per viſ, quod non
 sit inuent⁹ exigatur de com in com, quousque
 vtiagetur. Et sit huiusmodi incarcerat⁹ ir-
 replegiabilis. Et caueat sibi viſ, vel custos
 eiusdem gaole, siue sit infra libertatem siue
 extra, quod per commune hzeue, quod dicit
 replegiare, vel alio modo sine assensu domini
 ipsum a pſona exire non permittat, Quod
 si fecerit, et super hoc conuincatur, respōdeat
 domino de damnis per huiusmodi seruientē
 sibi illatis, secundum quod per patriam veri-
 ficare

13. E. 3.

253. di

post q

q. 11. p. 1

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q. 11. p. 1

westminster secunde.

ficare poterit, & habeat dominus suum recuperare per breve de debito | vers^o custodem. | Et si custos gaule non habeat, per qd iusticietur, vel unde soluat, respondeat superior suus q custodiam huiusmodi gaule sibi commisit, per idem breve.

Appeles. 5. Cap. 12.

Quia multi per maliciam volentes alios gravare, procurant falsa appella fieri de homicidio, et alijs felonijs, p appellatores nihil habentes, unde dñs regi, p falso appello, nec appellatis de damnis, respondere possint. Statutum est quod cum aliquis sic appellat^r de feloniam sibi imposita, se acquietaverit in cur^a regis modo debito, vel ad sectam appellatoris vel domini regis, iustici^r coram quib⁹ auditum erit huiusmodi appellum et terminatum, puniant appellatorem per prisonam unius anni, et nihilomin⁹ restituant huiusmodi appellatores damna appellatis, secundum discretionem iustici^r, habito respectu ad prisonam vel arrestationem quam occasione huiusmodi appellozum sustinuerint appellati, et ad infamiam suam, quam per imprisonment vel alio modo incurrerunt, & nihilominus versus dñm regem graviter redimatur. Et si forte huiusmodi appellatores non habeant, unde predicta damna restituere possint, inquiret per quorum abbetum formatam fuerit huiusmodi appellum, per maliciam, si appellatus hoc petat. Et si inveniatur per illam inquisitionem, quod aliquis sit abbetator per maliciam, per breve de iudicio, ad sectam

sectam

sectam appellati, distringatur ad benificendum
coram iusticiis. Et si legitimo modo convictus
fuerit de huiusmodi abetto p maliciam, pu-
niatur per prisonam, et teneatur ad restitu-
tionem damnoz, sicut superius dictum est
de appellatore | vide. anno. 1. R. 2. ca. 13.

¶ Elsoygne. 8.

¶ Nec iaceat de cetero appellatori in ap-
pello de morte hominis essonum, in quacū-
que curia | ubi | appellū fuerit terminand.

¶ Indirements. 1. Cap. 13.

¶ Quia etiam biē malecotiens fingentes
aliquos corā eis in turnis suis indictatos de
furtis, et alijs malefactis. capiunt homines
non culpabiles, nec legitimo modo indicta-
tos, et eos imprisonant, ut ab eis pecuniam
extorqueāt, cum legitimo modo per xij. iu-
ratores non fuerint indictati. Statutum est
quod biē in tornis suis, & alibi, cū inquirere
habeant de malefactoribus per preceptū re-
gis, vel ex officio suo, p legales homines ad-
minus. xij. faciant inquisitiones suas de hu-
iusmodi malefactoribus, q̄ huiusmodi inqui-
sitionibus sigilla sua apponant, et illos quos
per huiusmodi inquisitiones inuenerint cul-
pabiles capiant, et imprisonent, secundum
quod alias fieri consuevit. Et si aliquos ali-
ter imprisonauerint, quam per huiusmodi
inquisitiones indictatos, habeant huiusmo-
di imprisonati accionem suam per breue de
imprisonamento versus biē, sicut habes-
rent versus quamcumque aliam personam,
qui eos imprisonaret sine warranto.
Et

Et sicut dictum est de viē, obseruet de quolibet balliuo libertatis.

¶ Walle. 5. Cap. 14.

Cum de basto facto in hereditate alicuius per custodes, tenentes in dotem, p legem Anglie, vel aliter ad terminum vite, vel annorum, consueuerit fieri bēe de prohibitione basti, per quod breue multi fuerunt in errore, credentes q illi qui bastum fecerint, non habuerunt necesse respōdere nisi tñ de basto facto post prohibitionem eis directam, dñus rex (vt huiusmodi error de cetero tollatur) statuit, quod de basto quocunq; ad nocumēt alicuius facto, non fiat de cetero breue de phibitione, sed breue de summonitione, ita q ille de quo queritur respōdeat de basto facto quocunque tempore. Et si post summonitionem non venerit, attachetur, et post attachiamentum distringatur, et post districtiōnem, si non venerit, mādetur viē, quod in pzia persona, assumptis secum. xij. &c. accedat ad locum bastatum, et inquirat de basto facto, et recoznet inquisitionem. Postquam recoznata fuerit inquisitio, procedat ad iudm, secundum quod continetur in statuto prius edito apud Gloz. cap. 5. de basto. 20. E. 1.

¶ Prochein amy. 2. Cap. 15.

In omni casu quo minores infra etatem implacitare possūt, concessum est, quod si huiusmodi minores elongati sint quo minus psonaliter sequi possint, propinquiores amici admittantur ad sequend pro eis, westm. 1. capit. 47.

¶ Wardes

In casu quo alicui minoꝝ discendat hereditas, ex parte patris, qui tenuit de vno domino, et ex parte matris que tenuit de alio domino, dubitatio hucusque extitit de maritaggio huiusmodi minoꝝ, ad quem de duobus dominis pertineat, concordatum est quod ille dominus de cetero habeat maritagium, de quo antecessor suus prius fuit seoftratus, non habito respectu ad sexum, nec ad quantitatem teni sed solummodo ad antiquius seoffamentum per seruicium militare.

In itinere iusticie non admittatur de cetero essoine de malo lecti, de teni in eodem comitatu, nisi ille qui se facit essoniari veraciter sit infirmus, quia si excipiat a petente, quod tenens non est infirmus, nec in illo statu quominus venire potuit coram iusticiariis, admittatur eius calumnia. Et si hoc per inquisitionem conuinci poterit, vertatur illud essonium in defaultam. Nec iaceat de cetero illud essonium in breui de recto, inter duos clamantes per eundem descensum.

Cum debitum fuerit recuperatum, vel in cuius regis recognitum, vel damna adiudicata, sit de cetero in electione illius qui sequitur pro huiusmodi debito, aut damnis, sequi breue quod vice fieri faciat, de terris & catallis debitoris, vel quod vice liberet ei omnia catalla debitoris (exceptis bobus & agris caruce) & medietatem terre sue, quousque debitus fuerit

¶ j.

westminster second

fuerit leuat per rationabile pzeium: et exti
Et si eiciatur de illo ten, habeat recuperare
per breue noue disseisine & postea par breue
de re disseisine, si necesse fuerit.

Ordinaries. 1.

Cap. 19.

Cum post mortem alicuius decedentis
intestati, & obligati aliquibus in debito, bona
deueniant ad ordinarium disponend, oblige-
tur de cetero ordinarius ad respondendum
|de debitis| quatenus bona defuncti sufficiunt
eodem modo quo executores |respondere| te-
nerentur, si testam feci sset.

Cofinage. 1.

Cap. 20.

Cum Iustit in placito mortis antecesso-
ris consueuerint admittere responsionem te-
nentis, quod petens non est propinquior he-
res antecessoris, de cuius morte ten peti, &
hoc parat est per assisā inquirere. Concordat
est, quod in breuibus de consanguinitate, suo
et proauo, que sunt eiusdem nature, admitta-
tur illa responsio, et inquiretur, & secundū illā
inquisitionem ad iudiciū procedatur.

Cessauit 2.

Cap. 21.

Cum in statuto edito apud Gloe |ca. 4|
contineat, quod si quis dimiserit terrā alicui
ad redd valozē quarte partis ten, vel maio-
ris, habeat ille qui dimisit, vel ei⁹ heres) post
quā cessatū fuerit a solutione per biennium)
accionē petendi ten sic dimissū in dominico.
Eodem modo concordat est, quod si quis de-
tineat domino suo seruitiū debitū & consuet
p bienniu, habeat dñs accionē petendi ten in
dominico per tale breue. Recipe R. q iuste:
cc.

¶ c. reddat **B.** tale tenē, quod **A.** de eo tenuit p
tale seruitiū, & qđ ad p̄d̄ **B.** reuerſi d̄z, eo
quod p̄dictus **A.** in facientē p̄dictū serui-
tium per biennium cessauit, vt dicit. Et non
solum in isto casu, sed in casu de quo sit mē-
tio in p̄dicto statuto Glōē, s̄iāt breuia de in-
gressu heredi petentē sup heredē tenent et sup
eos quibus alienat fuerit huiusmodi tenē.

22 **¶** Cum duo vel plures teneant boscum,
turbariam piscariam, vel alia huiusmodi
in cōi. absq; hoc quod aliquis sciat suū sepe-
rale & aliquis eorum faciat bastū contra vo-
luntatem alteri⁹, moueatur actio per b̄e de
basto. Et habeat defendēs. cū ad iudiciū ve-
nerit, electionem capiendi partem suam in cer-
to loco per b̄e, & p̄ visum & sac̄m, ac assigna-
tionem vicinorū ad hoc elect & iuratorū, vel
quod concedat qđ nihil capiat de cetero in hu-
iusmodi bosco, turbaria, & alijs, nisi secundū
quod participes sui capere voluerint. Et si
eligat capere partē suam in certo loco, assig-
netur ei locus bastatus in suam partē, scđm
quod fuit anteq̄ bastum fecit. Et est tale b̄e
in hoc casu, sc̄z cum **A.** & **B.** teneant boscū p
indiuiso **B.** fecit bastum & c.

¶ Executors. I.

Cap. 23.

¶ Habeant de cetero executores b̄e de cō-
poto, & eandem actionem, & processum per il-
lud breue, quale habuit mortuus, & haberet
si vixisset.

¶ Nufance. I.

Cap. 24.

¶ In casibus in quibus conceditur breue in
Cancellaria de facto alicuius. d̄z cetero

A. ij

non

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non recedant querētes a cū regis sine reme-
dio, pro eo quod tēn transfert de vno in ali-
um. Et in registro de cancellaria non est in-
uentum aliquo b̄re in isto casu speciale, sicuti
de muro, domo mercato concedit b̄reue super
eum qui leuauit ad nocumentum. Et si trās-
feratur domus, murus, & his similia in aliam
personam b̄re non deneget, sed de cetero cum
in vno casu conceditur b̄reue in consimili ca-
su simili remedio indigente, sicuti prius, fiat
b̄re. Questus est nobis A. quod B. iniuste,
&c. leuauit domum, murū, mercatum, et alia
que sunt ad nocumentum liberi tēn sui. Et si
huiusmodi leuata ad nocumentum transfe-
rant in aliā personam, de cetero fiat b̄reue sic
Questus est nobis A. quod B. et C. leuaue-
runt &c.

¶ Quod permittat I.

Ecodem modo sicut persona alicuius ec-
clesie recuperare potest cōmuniam pastuū p-
b̄reue noue diss. eodem modo de cetero recu-
peret successoz super disseisitoz, vel eius he-
redem, per b̄reue, quod permittat, licet huius-
modi b̄reue prius in cancellaria non fue-
rit concessum.

¶ Iuris vtrum. I.

Ecodem modo sicut conceditur b̄reue,
vtrum aliquod tēn sit libera elemosina alicu-
ius ecclesie, vel laicum feod talis fiat de cete-
ro b̄reue vtrū sit libera elemosina talis eccle-
sie, vel alterius ecclesie, in casu quo libera ele-
mosina vnius ecclesie transferatur in posses-
sionem alterius ecclesie.

¶ Writtes.

¶ Writtes. 2.

¶ Et quocienscunque de cetero euenerit in cancellarij, quod in vno casu reperit breue, et in consimili casu cadente sub eodem iure, et simili indigente remedio non reperit, concordet clerici de cancellaria in breui faciendo, vel determinent querentes in proximum parliamentum, & scribantur casus in quibus concordare non possunt, & referant eos ad proximum parliamentum, & de consensu iurisperitorum fiat breue, ne contingat de cetero quod curia domini regis deficiat conquerentibus in iusticia perquirenda.

¶ Assise 6.

Cap. 25.

¶ Quia non est aliquod breue in Cancellaria, per quod querentes habent tam festinum remedium, sicut per breue noue disseisine, dominus rex voluntatem habens ut celeris fiat iusticia, et quod dilationes in placitis communi amputentur et abbrevientur, concedit quod breue assise noue disseisine locum habeat in pluribus casibus quam prius habuit. Et concedit quod de estouerijs bosci, proficuo capiend in bosco, de nucibus, et gladiis, & alijs fructibus colligendis, de corroio, liberatione bladi & aliorum victualium, ac necessariorum in certo loco annuatim recipiendis, tolneio, tronaigio, passagio, pontagio, pannagio, & his similibus in certis locis capiendis, custodijs boscorum, parcorum, forrestarum, chacearum, swarrennarum, portarum, & alijs balliuis, & officiis in feodis, iaceat de cetero assisa noue disseisine. Et in omnibus supradictis casibus modo consueto

¶ I. ij.

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sueto fiat breue de libero ten. Et sicut prius
 iacuit, & locū habuit in cōmunia pasture, ita
 de cetero locū habeat in communia turbarie,
 piscarie, & alijs cōmunibz his similibus, quas
 quis hz pertinentes ad liberum ten. vel etiam
 sine ten. per speciale factum, ad minus ad ter=
 minium vite. In casu etiam quando quis te=
 nens ten. ad terminum annozū, vel in custod
 illud alienat in feodo, & p illam alienationem
 transfertur liberū ten. in feoffatum, fiat re=
 medium per breue noue diss. et habeantur
 pro disseisitoribus tam ille qui feoffat, quam
 feoffatus, ita quod viuente altero corū locū
 habeat predictum breue. Et si per mortem
 sonarum cesset remedium per predictum bre
 fiat remedium per bre de ingressu. Et quis
 superius fiat mencio de aliquibus casibus de
 quibus locū non habuit prius breue noue
 disseisine, non propter hoc credit aliquis illud
 breue non competere, vbi prius competerat.
 Et licet dubitauerint quidam, vtrum in casu
 quo quis pascat alterius seperale, fieri poterit
 remedium per predictum breue, teneatur pro
 certo, q in casu illo per predictum breue bonū
 & certum est remediū. Cauent de cetero illi
 q nominati sūt disseisitores, qd nō pponant
 fallas excepciones per quas captio assise dif=
 feratur, dicēdo quod alias transiuit assisa de
 eodem ten. inter easdem partes, vel dicendo &
 mentiēdo, quod breue de altiori natura pen=
 det inter easdem partes de eodem ten., & sup
 his & consimilibus vocent rotulos, vel re=
 cordum ad warrantum, vt per illam vocati=
onem

onem asportare possint vesturā, & leuare reddit⁹ et alia proficua ad magnum detrimentum querentis. Et quia prius aliam penam non habuit, qui huiusmodi falsas exceptiones mendaciter proposuit, nisi tantum quod post mendacium suum conuictum processum fuit ad captionem assise. Dominus rex, cui odiose sunt huiusmodi falsae exceptiones, statuit quod si quis disseisitor nominatus personaliter proponat illam exceptionem ad diem sibi datum si defecerit de warranto quod vocauit, habeatur pro disseisitore absque recognitione assise, & restituat damna prius inquisita, vel post inquirenda de duplo, & nihilominus pro falsitate sua puniatur per prisonam vni⁹ anni. Et si illa exceptio proponatur per balliuum, non propter hoc differatur captio assise, nec iudicium super restitutione tenē, & damnum. Ita tamen, quod si dñs illi⁹ balliui, qui absens fuerit, postmodū veniat coram iusticiā, qui assisā ceperint, & offerat verificare per recordū, vel per rotulos, quod assisa alias transiit de eodē tenē inde inter easdem partes, vel quod querens alias se retraxit de breui consimili, vel placitū pendeat per breue de altiori natū: fiat ei bñe de faciendo venire super hoc recordum. Et cū illud habuerit, & videant Iusticiā, quod recordum ita ei missum valeret ante iudicē, quod illud excluderetur querēs ab actione sua. Statim faciant iusticiā scire parti, que prius recuperauit, quod sit ad certum diem, ad quem re-habeat defendens seisinam suam, et damna si que prius soluit per primum iudicium si-

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mal cum damnis que habuit post primū iudiciū redditum, que ei restituantur in duplo, sicut supradictū est: & nihilominus puniatur ille qui primo recuperavit, per prisonam secundum discrecionem iusticiariorum. Eodem modo si defendens, contra quē transiit assisa, in sua absentia ostendat chartas, vel quicū clam, super quarum confectione non fuerunt iurati examinati, nec examinari poterunt, pro eo quod de eis non fiebat mentio in placitando, et probabiliter ignorare potuerūt confectionem huiusmodi scriptorum: Iustices scriptis illis faciant scire parti, que recuperavit, quod sit ad certum diem corā eis & venire faciat iurati eiusdē assise. Et si per predictum iuratorum, vel forte per irrotulamentum scripta illa verificauerint, puniatur ille, qui assisam impetrauit contra factū suū per penam supradictam. Nec capiat viā de cetero bouem a disseisito, sed a disseisitore tantum. Et si plures sint disseisitores in vno breue nominati, nihilominus de vno boue sit contentus: nec exigat bouem nisi de precio v. s. vel precium.

¶ Redisseisine. 3.

Cap. 26

In breuibz de redisseisina adiudicetur de ceteris damna in duplo: & sint redisseisitores de cetero irreplegiabiles per commune breue. Et sicut in statuto de Merton [ca. 3.] prouisum fuit illud breue de his qui disseisi fuerunt, postquam recuperauerunt per assisam noue disseisine, mortis antecessoris, aut per alias iuratas: ulterius de cetero habeat illud

Ilud breue locum in illis qui recuperauerint
per defaultam, redditionem, aut alio mo-
do sine recognitione assisarum vel iurata-
rum.

¶ *Essoine. 10. Cap. 27.*

¶ Postquam aliquis posuerit se in inqui-
sitionem aliquam ad proximum diem, alloce-
tur ei essoium, sed ad alios dies sequentes
per essoium non differatur captio inquisi-
tionis siue prius habuit essoñ siue non. Nec
admittatur essoñ post diē dat pzece partium
in casu in quo partes consentiunt venire sine
essoñ.

¶ *Essoine 11. Cap. 28*

¶ Cum per statutum Westm̄ pmer ca.
41. | statuatur quod postquam tenentes se-
mel comparuerint in curia, non allocetur eis
essoñ in breuibus assisarum: eodem modo de
cetero obseruetur de petentibus.

¶ *Oyer & Terminer. 1. Cap. 29.*

¶ Breue de transgē ad audiendū & termi-
nandum, de cetero non concedatur corā al-
quibus Iustic̄, except iustic̄ de vtroq; ban-
co, & iustic̄ itinerant, nisi pro enozmi transgē
vbi necesse est apponere festinum remedium
Et dñs rex de gratia sua speciali hoc duxit
concedend. Nec etiam de cetero concedatur
breue ad audiendum & terminandum appella-
coram iustic̄ assign, nisi in speciali casu, & cer-
ta causa, cum dominus rex hoc pceperit. Sed
ne huiusmodi appellati, vel indictati diu de-
tineant in prisona, habeāt breue de obio & atia
sicut in Magna Charta | ca. 26 | & alijs sta-
tutis

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tutis dictum est. | W. I. ca. 11. Gloz. ca. 9. |

¶ Nisi prius. I.

Cap. 30.

¶ Assignentur de cetero duo iusticij iurati, coram quibus, et non alijs capiantur assise no. disseisine, mortis antecessoris, et attincte, & associant sibi duos, vel unum de discretioribus militibus com in quem venerint, & capiant assisas predictas, et attinctas, ad pl^uter per annum, videlicet semel inter quindenam sancti Iohannis Baptiste, & gulam Augusti et iterum inter festum Exaltacionis sancte Crucis, & Octabis sancti Michaelis, et tercio int^{er} festu Epiphani, et festum Purificationis beate Marie. Et in quolibet comitatu ad quamlibet captionem assise, antequam recedant, statuunt diem de reditu suo, ita quod omnes de com scire possint eorum aduentum et de termino in terminu adiournent assisas. Si per vocationem warranti, per esson, vel per defectum recognitorum, ad unum diem captio earundem differatur. Et si aliqua causa viderint quod utile sit, quod assise mortis antecessoris per esson vel vocationem warranti respectuade adiournetur in banco, licet eis hoc facere, & tunc mittant iusticij de banco recordum, cu breue originali. Et cum loquela peruenerit ad captionem assise, remittatur loquela cu breui originali p Iusticij de banco, ad priores iusticij, coram quibus capiat assisa. Sed de cetero dent Iusticij de banco in huiusmodi assisis ad minus quatuor dies per annu, coram prelat iusticij assigni, ut partant laboribus & expensis. Atterminentur in-

inquisitiones capiend de transg^t placitat coram iustic^e de vtroq^q banco, nisi ita enormis sit transg^t, qd magna indigeat examinatione Atterminent etia inquisitiones cora eis de alijs placitis placitatis in vtroq^q banco, in quibus facilis est examinatio, vt qn dedicit ingressus, vel seiscina alicuius, vel in casu qn de vno articulo sit inquirend. Sed inquisitiones de grossis & pluribus articulis, q magna indigeant examinatione capiantur coram Iustic^e de bancis, nisi ambe partes petant, q inquisicio capiatur coram aliquibus de societate, cu in partes illas venerint, quod de cetero non fiat nisi per duos Iustic^e, vel vnum cu aliquo milite de com, in quem partes consentiunt. Nec atterminentur huiusmodi inquisitiones coram aliquibus Iusticiar^{is} de banco, nisi statuat certus dies & locus in com in presentis partium, & dies & locus inferantur in breui de iudicio per hec verba. Precipimus tibi qd venire fac coram Iusticiar^{is} nostris apud Westm in octab. sancti Michaselis, nisi talis et talis tali die et loco ad partes illas venerint xij. & c. Et cum huiusmodi inquisitiones capte fuerint, retormentur in bancis, et ibi fiat iudicium, et irrotentur. Et si omitta forma predicta aliquae inquisitiones capiantur, pro nullis habeantur, excepto quod assise ultime presentacionis, et inquisitiones super Quare impedit atterminentur in proprio com coram vno Iustic^e de banco, et vno milite, ad certos tamen diem et locum in banco, statutos,

et siue defendens consentiat siue non: & ibi
statim reddatur iudicium. | vide 12. E. 2. stat
Eborum ca. 3. | Habeant de cetero omnes
iusti de hancis in itineribus clericos irrotu-
lantes omnia placita coram eis placitata, sicut
antiquitus habere consueverunt. Item ordi-
natum est, quod Iusticiarii ad assisas capiend-
assignati non compellant iuratores dicere p-
cise, si sit disseisina vel non, dummodo dicere
voluerint veritatem facti, & petere auxilium
iusti. Sed si sponte velint dicere, quod disseisi-
na est, vel non, admittatur eorum veredictum
sub suo periculo. Et de cetero non penat ius-
ti in assisis, aut iuratis aliquos iurat, nisi
eos qui ad hoc prius fuerunt sumi | de finibus
levatis. 27. E. 1. ca. 4. |

¶ Excepcion. I. Cap. 31.

Cum aliquis implacitatus coram aliquibus
iustis, proponat excepcionem, et petat quod
iusti eam allocent: quam si allocare nolue-
rint, & ille qui excepcionem proposuerit, scri-
bat illam excepcionem, et petat quod iusti
sigillum suum apponant in testim, Iusticiarii
apponant sigilla sua. Et si unus apponere no-
luerit, apponat alius de societate. Et si forte
ad querimoniam de facto Iusticiariozum
venire faciat dominus rex recordum coram eo, et si
illa exceptio non inveniatur in rotulo, & que-
rens ostendat exceptionem scriptam sub sigil-
lo iusti appenso, mandetur Iusticiario,
quod sit ad certum diem ad cognoscendum si-
gillum suum, vel ad dedicendum. Et si Ius-
ti sigillum suum dedicere non possit, proce-
datur

datur ad iudicium secundum illam excep-
tionem prout admittendū esset vel cassandū.

¶ Mortmaine 2.

Cap. 32.

¶ Cum viri religiosi, & alie persone eccle-
siastice implacent aliquem, et implacitatus
fecerit defaultam, ob quam tenē amittere debe-
at: quia iusti hucusq; tenuerūt, quod si im-
placitatus fecerit defaultam per collusionem,
ut cum petens occasione statuti de Religio-
sis anno. 7. c. 1. per titulum doni, vel alteri⁹
alienacionis, seisinam de tenē consequi non
posset, per illam defaultam consequeretur, et
sic fieret fraus statuto. Ordinatur est per do-
minum regem, & concessum in hoc casu quod
postquam defaulta facta fuerit, inquiretur per
patriam, utrum petens habeat ius in sua pe-
titione vel non. Et si compertum fuerit, qd
petens ius habuerit, procedatur ad iudicium
pro petente, et recuperet seisinam suam.
Et si ius non habuerit, incurratur tenē proxi-
mo domino feodi, si illud petat infra annum
a tempore inquisitionis capte. Et si infra an-
num non petat, superiori domino incurratur
si petat infra dimidium annum post illam
annum. Et sic habeat quilibet dominus post
proximum dominum, spacium dimidij anni
ad petendum, successive, quousque peruenia-
tur ad regem, cui ad ultimum pro defectu a-
liorum dominorum tenē incurratur. Et ad
calumniandum iuratores inquisitionis, ad-
mittantur quicumq; capitales domini feodo-
rum, et similiter pro rege qui calumniare vo-
luerint. Et remaneat terra, postquam iudiciū
datum

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datum fuerit in manu domini regis quousq[ue]
ten[er] per petent, vel per aliquem capitalē dñm
disracionetur, & oneretur vic[em] ad respondend[um]
inde ad sc[er]arium.

¶ Crosses. I.

Cap. 33.

¶ Quia multi tenentes erigūt cruces in
ten[er]tis suis, aut erigi permittunt, in p[re]iudi-
cium dominorum suorum, ut tenentes p[ro]p[ri]-
uilegium templariorum & hospitalariorū tue-
ri se possent contra capitales dominos feodo-
rum. Statutū est quod huiusmodi ten[er] capi-
talibus dñis, aut regi incurrantur eodē mod[us]
quo statuit alibi de tenement[is] alienat[is] ad ma-
ximum mortuā de Religiosis 7. C. 1.

¶ Rape. 2

Cap. 34.

3. 19. ¶ Durum est que si home rauist feme es-
pouse damesell, ou auter feme desozmes, per
la ou el ne soit assentus, ne auant ne apres
eit iudgement de vie et de membre. Et ense-
ment per la ou home rauist feme dam[us] espouse
damesell, ou auter feme a force, tout soit q[ue] el
soy assent apres, eit tiel iudgement come de-
uant est dit, sil soit attain[te] a le fait le roy, & la
eit le roy la suite. De mulieribus abductis
cum bonis viro[rum] suorum, habeat rex sec-
tam de bonis sic asportatis. Et viro[rum] si sp[on]te
reliquerit virum suum, et abierit, & mo[r]iet[ur]
cum adultero suo, amittat in perpetuū ac-
tionem petendi dotem suam, que ei competere
posset de ten[er] viro sui, si super hoc conuincatur
nisi vir suus sponte, & absq[ue] coercione eccle-
siastica eam reconciliet, et secum cohabitare
permittat, in quo casu restituatur ei actio.

¶ Qui

Qui monialē a domo sua abducatur, licet monialis consentiat, puniatur per prisonam trium annorum, et satisfaciatur domui a qua abducto fuerit, competent: & nihilomin⁹ redimatur ad voluntatem regis.

¶ Wardes. 12. Cap. 35.

¶ De pueris masculis, siue femellis (quorum maritagiū ad aliquē ptineat) raptis et abductis, si ille que rapuit nō habens ius in maritagio, licet postmodū restituat puerū nō maritat, vel de maritagio satisfecerit, puniat tamē pro transgē per prisonam duorum annorum. Et si non restituerit, vel heredē post annos nobiles maritauerit, & de maritagio satisfacere non potuerit, abiuret regnū, vel habeat perpetuam prisonam. Et super hoc habeat querēs tale breue. Si A. fecerit te securū &c. tunc pone p vad &c. B. qd sit coram iusticiē nostris &c. ostens. quare talem heredē infra etatē existēs, cuius maritagiū ad ipsum A. pertinet, apud C. inuentum, tali loco rapuit, & abduxit contra voluntatem ipsi⁹ A. & cōtra pacem &c. Et si heres sit in eodem com tunc addat ista clausula. Et diligēt inqras ubi ille heres sit in balliua tua / et / ipsum ubi cūq; inuēt fuerit capias, & saluo & secū custodias, ita qd eum habeas corā prefat iusticiē nostris ad prefatum terminum, ad reddendū cui predictorum A. & B. reddi debeat. Et fiat secta versus partem, de qua queritur, quousque per districtionem venerit, si habeat per quod distringi poterit, vel per contumaciam (si non sit iustitiabilis) exigat, & vtlagetur.

Si

Si forte huiusmodi heres ducatur, & transferatur in aliū com̄, tunc biē illius com̄ fiat tale breue sub hac forma. Questus est nobis A. quod B. nuper talem heredem infra etatē & in custodia sua existentē, tali loco, in com̄ tali rapuit, et de comitatu illo ad talem locum in comitatu tuo abduxit, Contra voluntatem ipsius A. & contra pacem &c. Et ideo tibi p̄cipimus, q̄ p̄dictum heredem; ubicunq; eum in balliua tua inuenire poteris. capias, & saluo & secure eum custodias, ita quod eū habeas coram iusticiarijs nostris &c. tali loco et die, quē diem A. habet versus p̄dictum B. ad reddendū cui de iure reddi debeat. Et si heres anteq̄ inueniri poterit, vel anteq̄ restituatur querenti, obierit, nihilominus procedat placitū inter eos, quousq; terminet, cui restitui deberet, si superstes fuisset. Nec excusabitur aut alleuiabit ille, q̄ iniuste rapuit h̄modi heredē, de pena supradicta per mortem heredis, cuius extitit male fidei possessor, dū vixit. Et si querens obierit ante placitum terminatū, si ius ei cōpetebat ratione proprii feodi sui, res summoneat loquela ad sectam heredē q̄rētis, & procedat placitū debito ordine. Si vero p̄ alium titulū comperat ei ius sicut titulo donationis, vendicionis, aut alio huiusmodi titulo, tunc res summoneat loquela ad sectam executorum querentis, & procedat placitum ut p̄dictum est. Eodem modo si moriatur pars defendens antequā placitū terminet, vel heres restituatur, procedat placitum per resū inter querentem, vel eius heredem, seu executorē

executores, & executores defendentis, vel ei⁹
heredes si executores non sufficiant, quo ad
satisfactionem de baloze maritagij secundū
quod in alijs statutis continet, sed non quo
ad penam prisonē, qz quis pro alieno facto
non est puniendus. Eodem modo cum pen-
deat placitum inter partes de custodia terre,
vel heredis, vel vtriusq; per cōe bñe, qđ inci-
pit. Recipe tali &c. quod reddat &c. fiat resū-
monitio inter heredes & executores queren-
tis, & similiter heredes aut executores defē-
dentis, si mors alteram partem pveniat
ante placitum terminatum. Et cum perue-
niatur ad magnam distractionem, de⁹ termi-
nus, infra quem tres com teneant ad minus,
in quorum quolibet com fiat publica pcla-
matio qđ deforcizator veniat ad bancum, ad
diem in breui contentum, respōsurus querēti
Ad quem diem si non venerit, & proclamatio
sic semel, secundo & tertio testificat fuerit, p-
cedatur ad iudicium pro querente, salvo iure
defendent, si postmodum inde loqui voluerit.
Eodem modo fiat in breue de transgē, cum
quis queritur, se eiectum fuisse de huiusmodi
custodijs.

Procurements. I. Cap. 36.

Quia domini cū, & alij q cū tenent, et
senescalli, volentes gravare subditos suos, cū
non habeant legalem viam eos gravandi, p-
curant alios mouere querelas versus eos, et
dare badiū, et offerre plegios, vel impetrare
breuia, et ad seccas hñodi querentium com-
pellunt eos sequi com, hundred, wapenta-

R. i. chium

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chium, et cū, quousq; finem fecerint cum
ipsis pzo voluntate sua, statutum est, qđ hoc
de cetero non fiat. Et si quis per huiusmodi
falsas querimonias fuerit attachiat⁹, reple-
giet districtionem suam sic captam, & poni-
faē loquelam coram iustitē, coram quibus si
viē, vel alius balliu⁹, vel dñs, postquā sit di-
strict⁹ formauerit qrimoniā suā, aduocau-
erit iustā districtionē ratione hñodi quermo-
nariū corā eis factarū, & replicet, qđ hñodi
querimonia monebantur versus eos malici-
ose ad instantiam seu p̄curationem viē aut
aliozū balliuozū aut dominozū, admitt-
tatur illa replicatio. Et si sup hoc cōuicti fu-
erint, versus dñm regem redimant, & nihl-
ominus hñodi sic grauatis damna in triplo
restituant.

¶ Distresses. 8. Cap. 37.

¶ Quia etiam balliui, ad quos ex officio
pertinet districtiones facere, grauare volen-
tes subditos suos, vt ab eis pecuniam extor-
qant mittunt ignotos ad faciendū districtio-
nes, ea intentione, vt subditos grauare pos-
sint per hoc quod sic districti non habentes
noticiam personarum non permittunt huius-
modi districtiones super eos fieri. Statu-
tū est quod nulla districtio fiat nisi per balli-
uos notos & iuratos. Et si alio modo distric-
tiones fecerint, et de hoc conuicti fuerint, si
grauati bene de transgē impetrauerint, res-
tituāt grauatis damna | alias in triplo | & dñs
regem grauē puniantur.

¶ Jurours

Quia etiam viē hūdzedarj, & balliui libertantum consueuerūt granare subdit suos, ponendo in assisis & iuratis homines languidos, & decrepitos, perpetua vel temporali infirmitate languentes, homines etiam tēpoze summonitionis sue in p̄tia non commorantes, sūmonendo etiam effrenatam multitudinē iuratozū, ita vt a q̄busdā eos in pace dimittendo pecuniā extorquant, & sic fiunt assise & iurate multotiēs p̄ pauperiores, diuitib⁹, p̄o suo dando. domi cōmorantibus, Statutū est, qđ de cetero non sūmoneantur in vna assisa plures q̄. xliij. Senes etiam, videlicet vltra. lxx. annos, perpetuo lāgidi, vel tempore sūmonitionis infirmi, vel in patria non cōmorantes, non ponant in iuratis vel minoribus assisis. Nec etiā ponant in assisis vel iuratis, licet in proprio cōm capi debeant aliqui, qui min⁹ tēn habeant quam ad valentiam viginti solidozum per annum.

Et si huiusmodi assise, & iurāt, extra cōm capi debeant, non ponantur in eis aliqui q̄ minus tēn habeant quam ad valentiā quadraginta solidozum per annum, illis exceptis qui testes sūt in chartis, vel alijs scriptis, quorum p̄sentia necessaria est, dum tamen potentes sint ad laborād. Nec debet istud statutum extendi ad magnas assisas, in quibus oportet aliquando ponere milites in patria non residentes, p̄pter paucitatem militum, dum tamen tēn habeant in cōm. Et si viē, vel subballiui sui, vel balliui libertatum, contra

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istud statutum in aliquo articulo venerint, & super hoc convincatur, restituant dāna grauatīs & nihilominus sint in misericordia domini regis. Et habeant iustit̃ ad assisas capiēd assignā, cum in com̃ venerint potestatem audiendi querimonias singulorum conque- rentium, quo ad articulos in isto statuto cō- tentos, et iusticiam in forma predicta exhi- bend. | 21. Edwardi primi de ponendis in Assis.

¶ Retorne of shirifes, I. Cap. 39.

Quia iusticiar̃ (ad quorum officiū spec- tat unicuiq̃ coram eis placitanti iusticiā ex- hibere) frequentius impediuntur, quo min⁹ officium suum debito modo exequi possint, p hoc quod viē b̃renia originalia & iudicialia non retoznant, per hoc etiam quod ad b̃renia domini regis falsum retoznant responsum. Proindit dominus rex et ordinavit, qđ illi qui timent maliciam viē, liberent b̃renia sua originalia & iudicialia in pleno com̃ vel | in | retro com̃, ubi fit collatio denarioꝝ dñi regis & capiatur billettum de viē p̃sente, vel sub- uiē, in quo billeto contineantur nomina pe- tentium et tenent̃ in b̃reni nominat̃, et ad re- quisitionem illius qui b̃re liberavit, apponat̃ billeto sigillum viē vel subuiē in testim̃ & si- at mētis de die liberationis b̃renis. Et si viē vel subuiē huiusmodi billeto sigillum suum apponere noluerit, capiatur testimonium mi- litum et aliorum, fide dignorum qui p̃sētes fuerint, qui sigilla sua huiusmodi billeto ap- ponant. Et si viē b̃renia sibi liberat̃ non re- toznauerit

toznerit et super hoc ad iusticiarios pue-
 niat querimonia mandet per breue de iudi-
 cio iustit̃ ad assisas capiendas assigñ, qđ in-
 quirent per eos qui p̃sētes fuerint, qñ b̃e
 viē liberatum fuit, si sciuerint de illa delibe-
 ratione, et inquisitio returnetur. Et si com-
 pertum fuerit per inquisitionem, quod breue
 fuit ei liberat̃, adiudicentur querenti vel pe-
 tenti damna, habito respectu ad qualitatem
 et quantitatem actionis, et ad periculum qđ
 ei euenire posset. per dilationem quam patie-
 batur. | Anno. 2. E. 3. ca. 5. apud West. | Et p̃
 istam viam fiat remediū quando viē respō-
 det, quod breue adeo tarde venit, quod p̃cep-
 tum regis exequi nō potuit Multotiens etiā
 capiunt placita dilationes per hoc quod viē
 respondet, quod p̃cepit balliuis alicui⁹ li-
 bertatis, qui nihil inde fecerint, et nominet
 libertates que nunquam retoznum breuium
 habuerunt. Propter quod, ordinauit domin⁹
 rex, quod thesaurarius & baroñ de scaccario
 liberent | iusticiarijs in rotulo oēs libertates
 in quibuscunq; com̃ qui h̃nt retoznum bre-
 uium. Et si viē respondet qđ mandauit bal-
 liuo alterius libertatis, quā alicuius cōten-
 te in p̃dicto rotulo, statim puniatur viē tāq̃
 exheredatoz regis & corone sue. Et si forte
 respondeat quod mandauit balliuis alicuius
 libertatis, que veraciter retoznum h̃z | qui
 nihil inde fecit | mādetur viē, quod nō omit-
 tat propter aliquam libertatem p̃dictam,
 quin exequatur p̃ceptum domini regis, et
 quod scire faciat balliuis, quib⁹ fecit returnū

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quod sint ad diem in breui contentum. ad respondendū, quare de precepto domini regis executionem non fecerint. Et si ad diem venerint, et se acquietent, quod returnum breuis non fuit eis factum, statim condemnentur vii domino illi⁹ libertatis, et similiter parti lese per dilationem in restitutionem damnozū. Et si ad diem non venerint balliui, vel venerint, et supradicto modo se non acquietauerint, in quolibet breui de iudicio, quam diu durat placitum, precipiatur vii quod nō omitat propter libertatem. &c. Multociens etiā vii fallum dant responsum, quo ad illum articulum quod de exit &c. mandantes aliquādo et mentientes, quod nulli sunt exitus, aliquando quod parui sunt exitus, cum de maioribus respondere possint aliquando nō facientes mentionem de exit. Propter qd ordinat est et concordat, quod si querens petat auditum responsionis vii, concedatur ei. Et si offerat verificare, quod vii de maioribus exitibus regi respondere potuit, fiat ei breue de iudicio ad iusticiā ad assisas capiendū assignatos quod inquirent in presentia vii, si interesse voluerit, de quib⁹ et quantis exit vii respondere potuit a die impetrationis bñs vsque ad diem in breui contentum. | al' receptionis vide D. 27. H. 8. ca. 10. f. 3. & D. 20. H. 6. ca. 10. fo. 25. | et cum inq̃sitio retornata fuerit, si de pleno prius non responderit, oneretur de superplusagio per extractas iusticiā liberatas ad scaccarium, et nihilominus grauitur amercietur pro conclamento. Et sciat vii

biē, quod redditus, blada in grangia, & om-
 nia mobilia, p̄t̄ equitaturam, indumenta, &
 v̄tensilia domus continentur sub nomine ex-
 ituum. Et p̄cepit dominus rex, quod biē p̄
 huiusmodi falsis responsionibus semel & ite-
 rum (si sit necesse) per iustit̄ castigentur. Et
 si tercio deliquerent, alius non appon̄ manū
 quam dominus rex. Multociens etiam falsū
 dant responsum, mandando quod non potu-
 erunt |exequi| p̄ceptum regis p̄pter resis-
 tentiam potestatis alicuius magnatis, d̄ quo
 caueat biē de cetero, quia huiusmodi respō-
 sio multum redundat in dedecus domini
 regis et corone sue. Et quam cito subballiui
 sui testificentur, qđ inuenerūt huiusmodi re-
 sistentiam, statim (omnibus omissis) assūp-
 to secum posse com̄ sui, eat in propria persona
 sua, ad faciendū executionem. Et si inueniat
 subballiuos suos mendaces, puniat eos per
 prisonam, ita quod alij per eorum penam cas-
 tigentur. Et si inueniat eos veraces, castiget
 resistentes per prisonam, a qua non delibe-
 retur sine speciali p̄cepto domini regis. Et
 si forte biē cum venerit, resistentiam inuene-
 rit, certificet eū de nominibus resistentiū,
 auxiliantium, consentientium, p̄cipientium
 et fautorum, et per breue de iudicio attachi-
 ent̄ huiusmodi per corpora, ad veniēdum ad
 eū regis. Et si de huiusmodi resistentia
 conuincantur, puniantur secundum quod
 domino regi placuerit. Nec intromit-
 tat se aliquis minister domini regis de pena

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huiusmodi infligenda, quia dominus rex hoc sibi specialiter reſeruat, pro eo quod huiusmodi reſiſtentes cenſentur pacis ſue & regni perturbatores | 13. C. 1. de mercatoribus articuli ſuper cartas. ca. 16.

Agc. 4.

Cap. 40

Cum quis alienatus uxoris ſue, concordatus eſt, quod de cetero ſecta mulieris, aut eius heredis non differatur poſt obitum viri per minorem etatem heredis, qui ſwarrantizare debet, ſed expectet emptor (qui ignorare non debuit quod ius alienum emit) uſque ad etatem ſwarranti ſui, de ſwarrantia ſua habenda.

Contra formam collationis. I Cap. 41.

Statuit dominus rex quod ſi abbates, priores, cuſtodes hoſpitalium, et aliarum domorum religioſarum fundatarum ab ipſo, vel a progenitoribus ſuis, alienauerint de cetero tenementis domibus ipſis ab ipſo vel a progenitoribus ſuis collata, tenementum illud in manum domini regis capiantur, et ad voluntatem ſuam teneantur, et emptor amittat ſuum recuperare, tam de tenementum quam de pecunia, quam paſſiuit. Si autem domus illa a comite, barone, vel ab alijs facta fuerit, de tenementum ſic alienatum habeat ille a quo vel a cuius antecellore tenementum ſic alienatum collatum fuerit, breue ad recuperandum tenementum illud in domino, quod tale eſt. Recipe tali abbati, quod iuſte &c. reddat B. tale tenementum, quod eidem domui colatum fuit in liberam elemoſinam per predictum B. vel antecellores ſuos, et quod ad predictum B. reuerſi debet per alienationem, quam predictus

ind. qu. 2
Eil. vouch. 2
Ep. 154.

predictas abbas fecit de predicto ten contra
formam collationis predicte, ut dicitur Eodem
modo de ten dat pro cantaria | sustinenda | vel
luminari in aliqua ecclesia vel capella, vel a-
lia elemosina sustentanda, si ten sic dat alie-
netur. Et si forte ten sic dat pro cataria, lu-
minari, pastu pauperum, vel alia elemosina
sustentanda vel faciend, non fuerit alienat,
sed subtracta fuerit huiusmodi elemosina p
biennium competat actio donatori aut eius
heredi ad petendum ten sic datum in domini-
co, sicut statut est in statuto Gloz, de ten
dimissis ad faciendum vel reddendum quat-
tam partem valoris ten, vel maiorem. Glo-
cester cap. 4.

¶ Fees. I.

Cap. 42

¶ De marescallis domini regis de feodo,
camerariis, custodibus hostiorum in itinere
iustit, et seruiantibus virgam portantibus
cozam iustit apud westm, qui officium illud
habent de feodo, et qui plus exigunt ratione
feodi sui quam exigere consueverunt, secun-
dum quod multi queruntur super eos q sta-
tut cum a multo tempore viderunt et sciunt,
dominus rex inquiri fecit, quem stat predicti
ministri de feodo habere consueverunt tem-
poribus retroactis, et per inquisitionem sta-
tuit et precipit, quod marescallus de feodo q
de nouo exigit palefridm de comitib, baron,
& alijs per partem baronie tenent, qn ho-
magium fecerint, et nihilominus ad miliciam
eorum alium palefridm, et de quibusdam (de
quibus palefridum habere non debuit) pa-
lefridum

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lefridum de nono exigunt, ordinavit qđ pre-
dictus marescallus de quolibet comite & ba-
rone (integrā baroniam tenente,) de vno
palefrido sit contentus. vel de precio quale
antiquitus percipere consuevit, ita quod si ad
homagium, quod fecit, palefridum vel preci-
um in forma predicta ceperit, ad militiam su-
am nihil capiat. Et si forte ad homagiū ni-
hil ceperit, ad miliciam suam capiat. De ab-
batibus, et prioribus integrā baroniam
tenentibus cum homagium aut fidelitatem
pro baronij suis fecerint, capiat palefridum
vel precium, vt predictum est. Hoc idem de
archiepiscopis, et episcopis obseruandū est.
De his autē qui partem baronie tenent, siue
sint religiosi, siue seculares, capiat secundum
portionem partis baronie, quam tenent. De
religiosis tenent in liberā elemosinā, et
non per baroniam, vel partem baronie, nihil
de cetero exigit marescallus. Et concessit do-
minus rex, quod per hoc statutum non pre-
cludatur marescallus suis de feodo in plus
perendo, si in posterum ostendere poterit, qđ
ius habeat plus petendi. Camerarij domini
regis habeant de cetero de archiepiscopis,
episcopis, abbatibus, prioribus, et alijs per-
sonis ecclesiasticis, com, baronū integrā
baroniam tenē, rationabilē finē cum homa-
gium aut fidelitatem pro baronij suis fe-
cerint. Et si per partem baronie teneant, ca-
pian rationabilem finem secundum portio-
nem ipsos contingentem. Alij vero abbates,
priores, religiosi, et seculares non tenentes
per

per baroniam, vel partem baronie, non distringantur ad finem faciendū, secundum quod de tenentibus per baroniam vel partem baronie dictum est, sed sit Camerarius de superiori indumento contentus, vel de precio indumenti: quod plus honeste dictum est per religiosos quam secularibus, quia honestius est quod religiosi patiantur per superiori indumento, quam exuant.

¶ Citacion. I. Cap. 43.

Prohibeatur de cetero hospitalaribus et templaribus, ne de cetero trahant aliquem in placitum coram conservatoribus privilegiorum suorum de aliqua re, cuius cognitio spectat ad forum regium. Quod si fecerint, primo restituant damna parti gravate & versus dominum regem graviter puniantur. Prohibet etiam dominus rex conservatoribus privilegiorum eorundem, ne de cetero (ad instantiam hospitalarium, templariorum, aut aliorum privilegiatorum) concedant citationes, priusquam exprimat super qua re fieri debeat citatio. Et si viderint huiusmodi conservatores, quod petatur citacio de aliqua re, cuius cognitio spectat ad forum regium, huiusmodi conservatores nec citationem faciant, nec cognoscant. Et si aliter fecerint conservatores, respondeant parti lese de damnis, et nihilominus versus dominum regem graviter puniantur. Et quia huiusmodi privilegiati impetrant conservatores, subprioros, prebendarios, sacristas, religiosos, qui nihil habent unde lesis aut

domino

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domino regi satisfacere possint, qui audatio-
res sint ad ledendū dignitatem domini regis
quam eorum superiores, quibus per eorum
temporalia, pena potest infligi, Cauent de
cetero prelati huiusmodi obedientiariorum,
ne permittant obedientarios suos assumēt
sibi iurisdictionem in preiudiciū domini re-
gis et corone sue, Quod si fecerint, pro facto
ipsoz respondeant sui superiores ac si de p-
prio facto suis conuicti essent.

¶ Fees. 2. Cap. 44.

C De custodibus hostioz in itineribus
virgam portantibus coram iustic de banco:
ordinat est qđ de qualibet assisa & iurata quā
custodiunt, capiant decē denarios tū, de chi-
rographis nihil. De his q̄ recuperant demā-
das suas versus plures per defaultam, reddi-
tionem, vel alio modo per iudiciū sine assisa
vel iurat, nihil. De his q̄ recedunt sine die p
default petentis, vel querentis nihil capiant.
Et si quis recuperauerit demandam suam
versus plures per vnum breue, & per recog-
nitionem assise vel iurate, de quatuor dena-
rijs sint contenti. Et similiter si plures in v-
no breui nominati per recognitionem assise
vel iurate recuperauerint demandā, de qua-
tuor denarijs sint contenti. De his qui faci-
unt homagium in banco, de superiori panno
sint contenti. De magnis assisis, attinctis iu-
ratis, & duello percusso xij. d. tū capiant. De
his qui vocati sunt coram iustic ad sequendū,
vel defendendū placitum suum, nihil capiāt p
egressu vel ingressu. Ad placita corone de
quolibet

qualibet duodena. xij. d. tantum capiant: De quolibet prisonario deliberato. 4. d. tantum capiantur. De quolibet, cuius pax proclamata fuerit. i. d. tantum capiatur. De inuentoribus occisorum et alijs attachiatis villi quatuor denarij. De decinarijs hominibus aut de quatuor hominibus & preposito ac denarijs nihil capiatur. De chirographarijs pro chirographo faciendū statutū est, quod de quatuor solidis sint contenti. De clericis scribentibus breuia originalia et iudicialia statutum est: quod pro bno breui de bno denarij sint contenti. Et iniungit dominus rex omnibus & singulis iusticiis suis in fide & sacro quibus ei tenentur, quod si homines inmodi ministri contra predictum statutum in aliquo articulo venerint, et querimonia ad eos perueniat, penam eis infligant rationabilem. Et si iterum deliquerint, maiorem penam eis infligant, qui castigari merito debeant. Et si tertio deliquerint, et super hoc convicti fuerint, si sint ministri de feodo, amittant feodum suum, et si alij sint, amittant curiam regis nec redeant sine ipsius regis speciali precepto aut gratia.

¶ Execucion. 3. Cap. 45.

¶ Quia de his que recordata sunt coram cancellaria domini regis, et eius iusticij que recordata habent et in rotulis eorum irrotulata, non debet fieri processus placiti pro summa, attachiamēta, esson, visus terre, et alias solempnitates curie, sicut fieri consuevit de contractibus & conuentionibus factis extra curiam, obseruandum est de cetero quod ea que inueniuntur irrotulata coram

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coram his, q̄ recordum hñt, vel in finibus
contenti siue sint contractus, siue conuentio-
nes siue obligationes, siue seruitia, aut con-
suetudines, recognita, siue aliqua quecunq;
irrotulat, quibus cū domini regis (siue iur̄
& consuetudinis offenso) auctoritatem p̄fē-
tare potest, talem de cetero habeant vigorem
quod non sit necesse in posterum de his pla-
citare, sed cum venerit conquerens ad cū
domini regis, si recens sit cognitio, vel finis
lenat̄ videlicet infra annum. Statim habeat
breue de executione illius recognitionis fac-
te. Et si forte a maiori tempe transacto facta
fuerit illa recognitio, vel finis lenatus, p̄e-
cipiat biē quod sciē faciat parti, de qua sit q̄-
rimonia, qđ sit ad certū diē corā iustic̄, ostēs
(si quid sciat dicere) quare h̄modi irrotulat,
vel in fine contenti executionem habere non
debeant. Et si ad diem non venerit, vel forte
venerit, & nihil sciat dicere, quare executio
fieri non debeat, p̄cipiatur biē, qđ rem irro-
tulat, vel in fine contenti exequi faciat. Eodē
modo mandetur ordinario in suo casu, obser-
uat̄ nihilominus quod |W. 2. ca. 9| supradē
est de medio, qui per recognitionem aut iu-
diciū obligat̄ est ad acquietandū. 13. E. 1.
Mercatoribus.

¶ Approuer. 2. Cap. 46

Cum in statuto edito apud Merton. ca
4. concessum fuerit, quod domini bastorum
boscorum, et pasturarum appuare se possint
de vastis boscis, et pasturis illis, nō obstāte
contradictione tenentium suorum, dūmodo
tenentes

tenentes ipsi haberent sufficientem pasturam ad terram suam, cum libero ingressu & egressu ad eam. Et pro eo quod nulla fiebat mentio inter vicinum et vicinum, multi domini vastorum boscorum, & pastuum hucusque impediti extiterint per contradictionem vicinorum sufficientem pasturam habentium. Et quia forinseci tenentes non habent maius ius communicandi in bosco vasto, aut pastum alicuius domini, quam proprii tenentes ipsius domini: statutum est de cetero quod statutum apud Hertford pro- uisum inter dominum et tenentes suos, locum habeat de cetero inter dominos vastorum, boscorum, et pasturarum & vicinos, ita quod domini huiusmodi vastorum boscorum, et pastum salua sufficienti pastura hominibus suis et vicinis, appuare sibi possint de residuo. Et hoc observetur de his qui clamant pasturam tanquam pertinentem ad terram suam. Sed si quis clamat communiam pastum per speciale feoffamentum, vel concessionem ad certum numerum aueriorum, vel alio modo, quam de iure communi habere deberet, cum conventio legi deroget, habeat suum recuperatum, quale habere deberet per formam concessionis sibi facite. Occasione molendini ventricij, bercarte, vaccarie, necessarii, augmentationis curie, aut curtilagij, de cetero non grauetur quis per assisam noue disseisine de communia pasture. Et cum contingat aliquando, quod aliquis ius habens appuare, fossatum aut sepem leuauerit, et aliqui noctant, vel alio tali tempore quo non credant factum eorum sciri, fossatum

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fossatum aut sepē prostrauerint, nec sciri poterit per veredictum assise aut iurate, q̄ fossatum aut sepem prostrauerint, nec velint homines de villatis vicinis indictare de h̄modi facto culpabiles, distringantur propinque villate circum adiacentes leuāt fossat aut sepem, ad costum proprium. et damna restituerē.

¶ Assise. 7.

Et cum aliquis ius non habens cōicādi vsurpet communiam tempore quo heredes infra etatem extiterint, vel vxores sub potestate virozum suozum existentes, vel pastuū sit in manu tenentium in dotem, per legem Anglie vel alit̄ ad terminum vite. vel annoꝝ vel per feodum talliatum, et pastuū illa diu fuerint vsi, multi sunt in opinione qđ h̄modi pasture debent dici pertinere ad liberum tenē, et qđ huiusmodi possessori cōpetet debet actio per b̄tē nō. diss. si ab huiusmodi pastuū deforc. sed de cetero tenendū est qđ habētes huiusmodi ingēm a tempore quo currit breue mortis antecessoris s. del. commencement del. H. 3. p. W. 1. ca. 38 | si antea communiam non habuerūt, nō habeant recuperat per b̄tē nouē dissensine si fuerint deforciati.

¶ Fish & Fishings. 1. Cap. 47.

Prouisum est quod aque de Humber, Ouse, Trent, Done, Arre, Derwent, Wherff. Piddiof, Swale, Tese, Tyñ, Ede et omnes alie aque in regno in quibus salmones capiunt, ponant in defenso, quo ad salmones capiēdos, & die Natiuitatis beate Marie

Marie, vsq; ad diem sancti Martini. Et si-
 militer quod salmunculi non capiantur, nec
 destruantur per retia, nec per alia ingenia ad
 stagna molendinorum, a medio Aprilis vsq;
 ad natiuitatem sancti Iohannis Bap. Et in
 partibus ubi huiusmodi riparie fuerint, as-
 signentur conseruatores istius statuti, que
 ad hoc iurati sepius videant et inquirent de
 huiusmodi transgē, & in prima transgē puni-
 antur per combustionem retium, & ingenio-
 rum suorum. Et si iterato deliquerint, puni-
 antur per prisonam quarterij anni. Et si
 tercio deliquerint, puniantur per prisonam
 vnius anni. Et sic multiplicata transgres-
 sione, crescat pene infliccio. | Anno. 17. R. 2.
 cap. 9.

¶ View. 1.

Cap. 48.

CDe visu terre ordinatum est et statutum
 quod de cetero non concedatur visus nisi in
 casu quando visus est necessarius. Sicuti si
 aliquis amittat tenē per defaultam: et ille qui
 amisse suscitet aliud breue ad petendum idem
 tenē. Et in casu quando aliquis per excepcio-
 nem dilatoziam cassat breue post visum terre
 sicut per non tenuram, vel male nominando
 villam vel huiusmodi, si suscitet aliud breue,
 in hoc casu et in superiori de cetero non con-
 cedatur visus, dummodo visum habuerit in
 prioribus breuibus. In breui de date compe-
 tatur dos de tenē, quod vir vxoris alienauit
 tenenti aut eius antecessori, cum ignonate nō
 debeat tenens, quale tenē vir vxoris alienauit
 sibi vel antecessori suo licet vir non obiit scissus

L. j.

tus

9. E. 4.

Westminster second

tus, nihilominus tenenti de cetero non erit
visus concedendus. In breui etiā de ingres-
su cassato per hoc quod petens nominavit
male ingreſſū, si petens suscitet aliud breue de
alto ingressu si tenens in priori breue visum
habuerit, in secundo non habebit. In omnib⁹
etiam breuib⁹ p que tēſi petunt ratione di-
missionis, quam petens vel eius antecessor fe-
cit tenenti, et non eius antecessori, sicut quod
ei dimisit, dum fuit infra etatē, non compos-
mentis, in prisona, & consimilibus, non iaceat
de cetero vis⁹, sed si dimissio facta fuerit an-
tecessori iaceat visus sicut prius.

¶ Champartye. 2.

Cap 40.

¶ Chaunceller, Treasorer, Justices ne
nul del counseil le roy, ne clerke de la chan-
cerpe, ne del eschequer, ne de Justice, ne
dauter minister, ne nul del hostell le roy, ne
clerke, ne lay ne puis resceiuer esglise, ne ad-
uowson de esglise ne terre, ne tenement en fee, p
done, ne per achate, ne a ferme, ne a champ-
ty, ne en auter maner, tanqz come le chose est
en plee deuant nous, ou deuant nul de nous
ministres, ne nul lowerient soit pris. Et que
encounter cest chose face, ou par luy ou par
auter, ou nul | bargaine ent | face, soit puny a
la volunte le roy auxibien celui que le pur-
chasa come celui que le fra. | 11. E. 1. cham-
partie 1. articul super chartas ca. 11. |

50 ¶ Omnia predicta statuta incipiant
conseruari ad festum sancti Michaelis pro-
ximo venturum, ita quod occasione aliquo-
rum delictorum contra aliquod predictorum
statu-

westminster second. fo. 82

statutorum circa predictam festum perpetra-
torum per delinquentibus (de quibus men-
tio fit in statutis non indigatur.

¶ Action on the statute. 1. Cap. 51

¶ Super vero statutis in defectum legis
et ad remedia editis, ne diutius que-
rentes cum ad cur. regis venerint
recedant de remedio despera-
ti, habeant brevia sua in
suo casu prouisa, sed nō
placitent usq. post
festū sancti Michi-
chaelis supra-
dictum.

¶ Explicit statut. de westm. secunde.

¶ Statutum de Mercatoribus
edit. Anno. xii. E. j.

¶ Recognisance &c. 2.

Dur ceo que merchants, queux a-
uant ceux heures ont a prest leur
nauoier a diuers gentes, sont chies
en pouertye, par ceo que nauoient
pas si readys ley parucu, per la
quel ils purreient leur vertes hastiement
reconuer au iour assys de la paye, et per
cel encheison, sont multes des merchaun-
tes suffretes de venir en ceste terre oue leur
merc-

Mercatoribus.

merchandises, au dam̃ des merchantes & de tout le Roialme: nostre seignior le Roy per luy & per son conseil a son parliamēt quil tient a Acton Burnel, apzès la seint Michael. lan de son raigne xi. fist & ordeigñ les establisshmentes sur ceo, a remēdie des merchantz, les queux ordeinements et establisshments le roy commaunda que tenus fuissēt et fermement gardes en tout son roialm̃, dōt merchantes oūnt eue remēdy et meins des mischieues et trauailles de recouer leur detz que auant ne soient. Mes pur ceo que marchantes puis soy pleindzēt au roy que les viē malement enierpzetont son estatute, et ascune soitz per malice & per male interpeztacion delaieront lexeē del estatute, au grāb dam̃ des merchants. Le Roy a son parliamēt a Westm̃, apzès la Pasche, lan de son raigne. xij. fist reciter lauandit statute fait a Acton Burnel, et pur declarer ascuns articles de lestatute auandit, ad ordeigne et estably que merchant que voit estre sure de la dette, face venir son dettour deuant le Maioz de Londres, ou deuant [auter] chiefe gardeine de cel citie, ou dauter bon ville, ou le roy ordeigner et deuant le Maioz ou chief gardeine, ou auter pzohe home, a ceo esleu et iurre, quant le Maioz ou chiefe gardeine ne poient a ceo entendre, & deuant vn des clerkes q̃ le roye a ceo assignera, quant ambidex ne poient a ceo entend̃, conus la dette & le iour de la paiement, & soit le recognisans enroil de le maistr̃ dune des auandit clerkes que sera conus:

et

et le rolle serra double, dont l'une demurra
vers le Maïor ou chiefe gardeine, et l'autre
vers le clerke, que a ceo serra prunes nosm.
Et ouster ceo un des auantdits clerkes de
sa maine face l'escript del oblig a que escript
soit mise le seal de dettour, ou le seale le roy
que a ceo est purueu : le quel seale serra de
deux pieces, dont la greinder piece demurra
en la gard le Maïor ou le chiefe gardeine, et
l'autre piece en la main le auantdit clerke.
Et si le dettour ne rendra la dette au iour q
a luy est assesse, cy veigne le merchaunt au
Maïor et clerke oue sa letter del oblig. Et si
troue soit per rolle, ou per letter, que la dette
fuit conus, et le iour de paiement assis, soit
passe, cy face le Maïor ou chief gardein pre-
der le corps le dettour (si soit lay) q il heure
quel soit troue deins leur power, & liuerer al
prison de la ville, si prison p soit, & la demur-
ge a ses costages propres, lesquels a tant q il
ait fait gree de la dette. Et command est que
la gardeine de la prison de la ville, le resceue
per le liuere del Maïor ou le chiefe gardein.
Et si ne luy voill resceiuer, cy respoign main-
tenant le gardeine de la prison de le dette, si
ad de quoy. Et si n'ad de quoy, respoign ce-
luy que la prison luy baill a garder. Et si le
dettour ne puit estre troue en le power le
Maïor ou le chiefe gardeine, donqz maund
le Maïor ou chiefe gardeine desouthe le seal
del roy auantdit al Chaunt la reconus sapt
de la dette. Et le Chaunt enuoiara brieve al
vicount en que baillie le dettour serra troue,
L.ij. que

que il preigne son corps, si soit l'aye, et en
 safe prison luy gard, lesquels a taunt quel ad
 fait gree de la dette. Et de deins un quarter
 del an apres ceo que il sera prise, eit les cha-
 teux esles terres delivrees, issint que p les
 soiens puisse leuer et paier la dette. Et bien
 luy list deins cel quarter del an, terres & te-
 nementes vendre pur les dettes sequiter,
 et la vende terra ferme & establie. Et si ne
 face gree deins le quarter, apres le quarter
 passe soient liuees al merchant toutes les
 biens del detteur, et tous les terres per rea-
 sonable extient, a tenir iesque a taunt que le
 dette sera leue pleinement. Et la le plus tard
 le corps demurra en prison, come devant est
 dit. Et le merchant luy trouva paine & cawe.
 Et eit le merchant en ceu tenementes liue-
 res a luy, ou luy assigne tel seisine quel pu-
 isse porter briefe de nouel disseisine, si soit
 engeite, & rebisseins auxy come de frankes-
 nement, a ten a luy & a les assignes, tanq la
 dette soit paye. Et apres la dette leue & paye
 soit le corps le detteur deliuer, ou la terre.
 Et en les briefes que le Chancel enuopera.
 soit mencion fait, que le visé certiffa les iusti-
 ces de lune banké ou de lautre, coment il a-
 uet perforce le commandement le roy a un
 certaine iouta si soit le merchant, si soit gree
 ne soit fait, sua devant les Justices. Et si les
 visé ne retourn nul brief, ou retourn que le bre-
 vient trop tard, ou quilz ont mailles as bai-
 liffes des franchises, si facent les Justices
 selonc ceo que est contenue en le darrenne
 esta-

estatute de Westminster | ca. 39. Et si p cas le
 bicont maund que le dettour nest pas troue
 ou soit clerke, cy eit le merchant bñes a toutz
 les visconts ou il auera terre, quilz luy liue-
 ront touts les chateaux & toutz les tenementz
 le dettour per reasonable extent, a reñ a luy
 & a les assignes en la fourme que est auant
 dit. Et ialemeins eit brief a quel viscont que
 il bondra, de prender son corps sil soit laye,
 & a tener de la fourme auantdit. Et byen
 soy garde le gardeine del prison, que luy co-
 uienda responder del corps, ou de la dette.
 Et apres ceo que les terres le dettour sont
 liueres al merchant, bien purra le dettour sa
 terre vendre, issint que le merchant neit da-
 mages de les approuements. Et salues soi-
 ent toutz iours al merchant, damages, et
 touts costages necessaries et reasonable en
 traualles, sutes, delaies, et dispenles. Et si
 le dettour troua pledges que se conust estre
 principales dettours, apres le iour passe soit
 fait de les pledges en touts choses come de-
 uant est dit de le principale dettour quant a
 corps prendre, & terres liuerer, et auters
 choses. Et quant les terres les dettours soi-
 ent liueres au merchantez: il eit seisin de toutz
 terres queux fuerunt en la maine le dettour
 le iour de la reconusance fait, en que maines
 que ilz serront apres deuenus, ou per feoffe-
 ment, ou per auter maner. Et apres la dette
 paie les fres & lissues des terres des dettoz
 per feoffement, retournent auxibien arrere al
 feoffee, come les auters terres as dettours.

Mercatoribus.

Et si le dettour, ou les pledges mourge neit le marchand power de pzenner le corps del heire, mes eit ses terres, come auant est dyt, si est dage, ou quaunt il serra de pleine age: ielsque a taunt quil ad leue des terres le amountance de le dette. Et soit purueu vn auter seale que seruera a faires. Et icel seale serra enuoy a chescune faire de south le seale le Roy, per vn clerke iurre ou per le gardeyne de la faire. Et per le communalty des marchantes de la Cite de Londres, soient esliex deux loialz marchantes, queux facent le serement, & deuant eux soit le seale ouerte, et l'une piece soit baillie a les auantditex marchantes, & lauter demourge vers le clerke, & deuant eux, ou de l'une des marchantes, si ambideux ne poient attendre, soient les conuances faitez, sicome deuant est dit. Et auant ceo que le reconuance soit enrolle, soit la peine del auantdit estatute appertinent luy deuant le dettour: issint quil ne puisse auterfoits dire, que vn luy mist a auter peins que a cel a que il soy oblig. Et a susteiner les costages de lauantdit clerke, si pzenbra le roy de chescune li. i. d. en chescune vult ou le seale serra mis, forspise faires, ou il pzenbra trois mailles de chescune li. Cest ordeinement et establisment voit le roy, que desozmes soit tenus per tout son roialme Dengleterre et Ireland entre ql gents que ceo soit que de lour eigh degree, celz reconus. bondzdt faire forpris Jewes, as queux cest establisment ne se extient. Et per cest estatute & establisment

ment ne soit, b're de det abatus. Et ne soynt le
chaucell', barons del eschequer, Justices de
lune & de laut bank, ne iustiz errants forcloz
de prendr reconus. Des detz deuant eux faitz
et conus, mes les execucions de reconus. De-
uant eux faitz ne soient pas faitz per la forme
quantdit, mes per la ley et lusage auant vles
& purueux aillours en auter estatuts / v3 w.
1. ca. 45. / b're fundatu sup statutum predict.

Rex vic saltm. Quia coram tali maiore,
vel custode talis ville, vel coram custode si-
gilli nostri de mercatoribus in nundinis de
tali loco & tali clerico nro recognouit A. se de-
bere B. tantum, quod soluisse debuit tali die
et tali anno, quod idem B. nondum soluit, vt
dicit. Tibi precipimus, quod corpus predicti
A. si laicus sit capias, et in prisiona nra saluo
custodi facias, quousq; predicto B. de preb
debito plenarie fuerit satisfactu. Et qualiter
hoc preceptum nostrum fueris execut,
scire facias Justiz nostris apud
Westm ac pliteras tuas si-
gillatas. Et habeas ibi
hoc breue Teste.

cc.

¶ Statut' de Westm̃ 3. edit.

Añ. xviiij. E. j.

¶ Tenure. 4.



¶ Via emptores terrarum
& tenementorum de feo-
dis magnatum & aliorum
dominorum, in preiudici-
um eorundem, tempo-
ribus retroactis multoci-
ens: in feodis suis sunt in-
gri, quibus libet tenentes
eorundem magnatum & aliorum terras et
tenementa sua vendiderunt, tenend' in feod'
sibi & heredibus suis de feoffatoribus | et
heredibus | suis & non de capitalibus domi-
nis feodorum, per quod iidem capitales do-
mini eschaetas maritagia, et custodias ter-
rarum et tenementorum de feodis suis exis-
tentium sepius amiserunt, quod quidem eis-
dem magnatibus et alijs dñis quam pluri-
mum durum et difficile videbat, & sic in hoc
casu exheredatio manifesta. Dominus rex in
parlamento suo apud Westm̃ post Pasch. añ
regni sui xbiij. videlicet in quindena sancti
Eloij. Wap. ad instantiam magnatum regni
sui concessit prouidit, & statuit quod de cetero
liceat unicuique libero hoī terras suas, seu
tenementa sua, seu partem inde ad volunta-
tem suam vendere, ita tamen quod feoffatus
teneat terram illam, seu ten' illud de capitali
domino feodi illius per eadem seruitia & con-
suetudines, per que feoffator suus illa prius
de

De co|tenuit.

Et si partem aliquam earundem terrarum, seu tenementorum alicui vendiderit, se offatus | ille partem | illam teneat immediate de capitali domino, et omnes statim de servicijs quantum pertineat siue pertinere | idem capitali domino pro particula illa, secundum quantitatem terre seu ten | sic venditi. Et sic in hoc casu decidat | eidem | capitali domino ipsa pars serviti per manus feoffati capiend | ex quo feoffatus | debet | eidem capitali domino iuxta quantitatem terre seu ten venditi de particula illius serviti sic debiti esse intendens & respondens. Et sciendum est quod per predictas vendiciones, seu emptiones terrarum, seu ten, aut ptis alicuius earundem, nullo modo pfit terre seu ten illa in parte vel in toto ad manum mortuam devenire, arte vel ingenio contra formam statuti super hoc dudum editi | 7. E. 1. de Religiosis. | Et sciendum est quod istud statutum tenet locum de terris | seu tenitis | venditis tenend | in feodo simplici tantum. Et quod se extendit ad

tempus futurum. Et incipit lo-

cum tenere ad festum sancti

Andree apli proximo su-

nt. An regni regis

E. filij regis H.

rbij.

ExPLICIT statutum westm iij.

¶ Modus leuandi fines edit.

Añ. 18. E. primj.

¶ Fines. 3.



¶ Quant le bzief origi-
nal soit lieu en pre-
sence des parties
deuant Justices, dō
ques dirra un cou-
tour issint. Sir ius-
tice, coūge d'accozō,
Le Justicē luy dirā
q̄ dirra. Sir Ro-
bert, & nosmera un
des parties. Donq̄

quant ilz serront agree de la somme del pecu-
ne que est done al roy donques dira le iusticē
Cries la peace. Et puis dira le countour, is-
sint que la peace est tiel, a vous conge, que
Willm & Alice la feme, que cy sont recogni-
sont le maner de B. oue les appartenances
contenus en le b̄re, estre d'roit du R. cōe ceit
que il ad de lour done, a auer et tener a luy &
a ses heires, de W. et Alice, & les heires A.
come en demesne, rents, seignisouries, courtz
plees, purchases, gard mariages, relieves, es-
chetes, molins, auowsons de esglises, & toutz
autres franchises, & franke customes al a-
uantdits maner appartenant, rendant per an a
R. & ses heires chiefes seignours de fee, ser-
uice due, & customes pur toutz services. Et
fait assaueir que ozder de ley ne suffre mye,
que final accorde soit leue en la courte le roy
sans

Modus leuandi fines fo.87

sans brieve original, & ceo a tout le meins
deuant iij. Iustices en banke, ou en eyre, et
non pas aillours, & en presence des parties
nosmes en brieve, queux soient de pleine age
et de bone memoire, et hors de prison. Et si
seme couert de baron soit vn des parties, dō-
ques couient que el soit primerment confesse
de iij. Iustices auantditz. Et si el nassent
al fine, ne ceo linera mie. Et la cause pur que
tel solempnitie doit estre fait en cel fine est,
pur ceo que fine est si haute barre, & de si
graunde force, et de si puissant nature en
soy, que el forclos nemy solement ceux queux
sont parties et priues a la fyne, et lour heys-
res mes toutes auters gents du monde, qur
sont de plein age, hors de prison, et de bon
memoire, et deins les iij. meres, le iour

del fine leue, sils ne mettront

lour claime de lour acci-

on pur le pais deins


lan et le iour.

|vide plac-

to fo.354|

Statut' de vocat ad warr'
edit' An. xx. E. j.

Voucher. 5.

 Cum tenens implacitatus in placito terre temporibus retroactis vocauerit aliquem ad warrant, & petens super hoc verificare voluerit quod nec vocatus, nec aliquis antecessorum suorum a tempore seisine antecessoris ipsius petentis fuerit in seisine de ten' predictis, nec in dominico nec in seruitio, sed si ille vocatus ad warrant fuerit presens et gratis tenenti warrantizare voluerit, predicta verificacio petentis admitti non consuevit, nisi vocatus absens fuerit, & hec ratione cuiusdam statuti domini regis nunc editi inter cetera statuta sua p'm Westm. capit' 39. propter quod dñs rex animaduertens fraudem, deceptionem, et maliciam, et etiam damnum suum, & exheredationem corone sue qđ in casu predicto in cur' sua multociens posset interuenire, et isto die interuenerit: Cum quidam ten' de ipso rege in capite per baroniam integram in quodam placito pendente coram iustic' de banco vocauerint ad warrant de demanda particulariter quosdam garciones, ignos, et extraneos, quos presentes duxerint, et quorū antecessores aut ipsemet nūquam in ten' que warrantizauerint, aliquid habuerunt, aut in aliquibus terris aut ten' alijs in regno suo, neq; in dominico neq; in seruitio (put a diuersis dñi regis fidelib' testatur)

Statut, de vocat ab wair. fo. 88

batur) ut p cautela illam, fraudem, & maliciam ipsi p baroniam tenentes auferre possent dñs regi misericordiam suam, in qua incidere, si petens versus eos demandam suam recuperaret. Et similiter cum graciones swarrantizauerint, bñz quilibet de portione quam swarrantizare debet, in casu ubi duellā iacet possit se defendere per corpus seruientis sui prouisi, a conducti per ipsos baroniam tenentes. Et sic super vno bñe, et vna demandam fuerunt duo vel tria duella habita, qd durum est, et exemplum perniciosum tempore futuro pro pauperibus petentibus versus magnates et diuites, qui se per maliciam predictam defendere voluerint, nec petens contra dictos swarrantos, quando vocat fuerint verificationem suam in forma predicta habere possit, eo quod ipsi vocat presentes fuerint et gratis swarrantizauerint dominus, rex de consilio suo cōmuni, statuit & firmiter, de cetero, videlicet a festo sancti Millarij, anno regni sui xx precepit obseruari, quod quicunque tenens aliquem vocauerit ad swarrant, & petens in forma pdicta verificare voluerit admittat eius verificatio, siue vocatus fuerit absens, siue pñs nullo habito respectu ad eius presentiam vel absentiam.

¶ Finis.

¶ Statut. de defensione iur.
edit. Anno. xx. E. j.

¶ Resceipre. 2.

Cum quis aliquod breue domini
regis impetret versus tenent p^o
legem Anglie, vel feodum talli-
atum, vel sub nomine dotis, vel
alio modo, ad terminam vite, vel
annorum, et petens tantum fue-
rit prosecutus, quod ten sunt quasi admittēd
| & sibi adiudicanda | & super hoc venerit alius
ante iudicium redditum a latere, dicens se ha-
bere feod, et ius in ten illis, et cum suppli-
cauerit, quod exquo ante iudicium venerit
ten sua defendere, et parat inde petenti res-
pondere, ad hoc admittatur, ratione cuiusdā
statuti domini regis nunc inter cetera vlti-
ma statuta Westm̄ edis | 5. w. 2. ca. 3 | per quod
statut tam nullum ius habentes, quam illi
qui ius habent multociens in casu predicto
falso & indeceptionem curie superuenerint, &
petierunt se admitti responsuē, vt per adimis-
sionem suam possent petentem elongare de
iudicio, et seiscina hōe sue habende, & ad faci-
endū reosdem petentes de nouo placitare, et
sic petentes in casu predicto in cuius regis se-
pius elongantur a iure suo, per maliciā su-
predictam, tam de falsitate de predicto statu-
to superueniēte, quam ex iusta causa ratio-
nabili, et hoc coram iustici multociēscōtingit
& inuenitur, propter quod dominus rex ad
ma-

De finibus leuatis. 89.

maliciam predictam in predicto casu destru-
endū, remedium, volens apponere in pleno p-
liamēto suo ex cōmuni consilio suo statuit, et
firmiter de cetero, vcz a die lune primo post
festum Purificationis beate Marie virgi-
nis, anno regni sui. xx. precepit obseruari, qđ
cum aliquis a latere ante iudicium in casu p-
dicto supervenerit, et petierit se admitti, an-
tequam admittatur inueniet sufficientē se-
curitatem prout cū visum fuerit, ad respō-
dendū petenti de baloze exitum tēn sic amit-
tendorum a die quo recipitur responsū, vsq;
ad diem quo iudicium finale fiet super petici-
onem petentis. Et si ille petens demandam
suam recuperet, grauiter amercietur defen-
dens, si habeat vnde. Et si non habeat vnde,
comitatur gaole, ad voluntatem regis. Et si
verificare poterit i⁹ suum esse tale, quale il-
lud asserit, quando petit ipsum admitti, tunc
sit quietus.

¶ Explicit.

¶ Statutū de finibus leuatis, editū
Anno. xxvij. E. i.

¶ Fyne. i. Cap. i.



¶ Via fines in curia nostra leuat si-
nem litibus debent imponere, & im-
ponunt, et ideo fines vocant, maxi-
me cum post duellum et magnam

¶ i.

assisam

De finibus leuatis.

assisam in suo casu vltimum locum finalem teneant in perpetuum, iamque per aliquod tempus p̄teritum, tam tempore clare memorie domini Henrici regis patris nostri, quam nostro, partes eorundem finium & earum partium heredes (contra leges & consuetudines regni nostri antiquitus v̄sitas) s̄per huiusmodi finibus adnullandis & euacuandis admittebant p̄ponenf quod ante finem leuatum, et tempore leuationis eiusdē et postea petentes, seu querentes, aut eorum antecessores de tenementis in finibus cōtentis, aut de aliqua parte eorundem, semper fuerunt seisi, et sic fines huiusmodi rite leuati per iuratores patrie falso subornatos, & maliciose procuratos, multotiens euacuabatur & adnullabantur minus iuste, nos volentes super p̄missis remedium adhibere, in parlamento nostro ad westm̄ statuimus, quod dicte exceptiones, seu responsiones, vel inquisitiones patrie. super huiusmodi exceptionibus seu responsionibus nullo modo cōtra huiusmodi recognitiones & fines de cetero admittantur. Et nos vero volumus, quod statuf istud tam locum habeat ad fines p̄ius leuati, quam in posterum leuandos. Et videant iusti quod note, et fines in curia nostra in posterum leuandi, publice & solemniter legantur, et quod placita interim cessent omnino, et hoc fiat per duos dies in septimana, secundum discretionem iusti.

¶ Shiriffes

Shirifes. I. Cap. 2.

Etem ordinauimus de consilio nostro, quod vii de cetero non onerent de aliquibus exitu leuando, nec aliquos leuent, antequam exeant de scaccario per extractas iustitiam ibidem liberandas. Et quod in extractis iustitiam singula capita onerentur de exitu suis forissactis sicut et de amerciamendis. Et si forsan aliquis vii responderit de exitibus alicuius recognitoris, vel plegii, seu manucaptores per ipsum oppositi, et in curia nostra recognati qui ad solutionem eorundem exituum seu amerciamentorum tempore recogniti non sufficiat, idem vii ad scaccarium nostrum inde oneretur et respondeat. Et caueant sibi vii sub graui forissactura quod de cetero faciant singulis tallias de denariis quibuscumque per preceptum nostrum per ipsos vicecomites et subditos suos receptis. Et quod non recognant alicubi nomina manucaptozum, iuratorum, seu aliorum, nisi ipsi manucaptores, iuratores, seu alij, secundum tenorem breuium nostrum vii inde directorum, ad hoc legaliter et manifeste ponantur. Nec recognant aliqua nomina plegiorum liberorum hominum nisi ipsi manifeste se plegios consenserint. Et super hoc statuimus, quod quodlibet anno semel in anno mittantur unus baro, et unus clericus de dicto scaccario nostro per singulos comitatus Anglie, ad imbreuiandum nomina omnium, qui anno illo debita per veridem ceram ab eis exacta soluerint. Et idem baro et clericus tallias illas

M. ij.

videant

De finibus leuatis.

videant, & imbreuiant, et audiant et terminent querelas super viē, & clericos suos, et balliuos contra premissa venient, et grauiū puniant transgressores.

3 ¶ Quia viē, et alij temporibus retroactis latrones notorios, et manifestos, & pro morte hominis, & alijs felonijs capti & imprisonati, et q̄ non sunt replegiabiles, p̄ pleuinā dimiserint, contra formam statuti nostri ap̄ Westm̄ editi de his qui sunt replegiabiles, et qui non | S. W. 1. cap. 15. | per quod ipsi malefactorum irreplegiabiles sunt replegiati, ad quorum deliberationem falso faciendū, iuratores patrie per se & amicos suos, ante aduentum iusticiarii itinerantium, aut aliorum ad eorum deliberationem assignati, procurant et subornant, alijsque minant, propter quod tam propter metum viē, et aliorum, per talē pleuinā illos dimittentium, quam timorem eorundem latronum seu felonum sic deliberat, coram iusticiario ad gaolas deliberandū assignati huiusmodi latrocinia & homicidia suffocant, & ipsa sic conclata penitus remanent impunita: Nos pro utilitate regni n̄ri, & pace n̄ra firmiter obseruanda, statuim⁹ & ordinauim⁹ qd̄ iusticiarius ad assisas capiendū assignatus, in singulis com̄, ubi capiūt assisas, put ordinatus est, statim post assisas captas in eisdem com̄, remaneant ambo si laici fuerint. Et si vn⁹ ipso r̄u clericus fuerit, tunc associato illi iusticiario qui laicus est, vno de discretioribus militib⁹ com̄ illius per breue nostrum deliberet gaolas in com̄ illis tam infra libertate q̄ extra de prisona

De finibus leuatis. 91.

sonarijs quibuscunq, secundum formam de-
liberationis gaole com illozum hacten⁹ v⁹lita
tam. Et q⁹dem iustic tunc inquirant q⁹ v⁹l⁹, &
ali⁹, p⁹zisonarios irreplegiabiles per pleumā
dimiserunt, vel in aliquo contra formā statut⁹
p⁹redicti nuper apud Westm⁹ edic⁹ deliquerint:
¶ Et quos culpabiles inde inuenerint | ipsos | in
omnibus secundum formam statuti p⁹redicti
puniant et castigent. | 2 S. E. 1. de appellatis,

¶ Nisi prius.

Cap. 4.

¶ Item cum statuerimus, q⁹d nullus po-
nat alicubi extra com in recognitionibus, in-
quisitionibus, et iuratis aliq⁹bus, qui minus
q⁹ C. 5. tert. vel reddit⁹ habeat, p⁹ q⁹ tam ipsi
q⁹ plus terre habentes p⁹opter frequent⁹, tam
ad sc⁹m nostrum q⁹ coram iustic nostris de
v⁹troq⁹ banco summonitiones, de pauperen-
tur | 2 I. E. 1. deponendis in assis & iuratis. |
¶ Nos tan⁹ intolerabilem populi nostri iactu-
ram aduertentes, non solum ad eozundē iu-
ratorum exonerattonem, sed etiam ad celerē
partibus in curia nostra placitantibus iusti-
ciam exhibend⁹, statuimus et ordinauimus,
quod inquisitiones et recognitiones coram
iustic de v⁹troque banco de cetero adiudican-
de capiantur tempore vacationis coram ali-
quo iustic eozundem, coram quibus placitum
deductū fuerit, associato sibi vno milite com
illius, vbi tales inquisitiones emerlerint, nisi
fuerit inquisitio, magna indigens examina-
tione. Et sic in huiusmodi inquisitionib⁹ ca-
piendis de cetero fiat p⁹out iustic, ad v⁹tilita-
tem regni nostri potius esse viderint faciend⁹,

¶ 19. ij.

non

Articuli super chartas.

non obstante statuto nuper apud Westm̃. | 2. cap. 30. | super huiusmodi inquisitionib⁹ capi-
endū edit. continent quod si omīssa forma in
statuto illo ordinat aliqui inquisitiones ca-
pīantur, pro nullis penitus habeantur. Dat
apud Westm̃ secundo die April. Anno regni
nostri. xrbij. | 12. E. 2. capit. 3. De statuto
Eboraceñ.

¶ Explicīt statut de finibus
levatis.

¶ Articuli super Chartas, editi Anno. xxviij. E. i.

Pur ceo que les pointes de la graunde
Charter, des fraunchis. & de la forest
les queux le roye Henrye pier nostre
seignior le roy que ora est, graunta a
son people pur le priue de son roialme,
ne ont pas este tenus, ne gardes avant ces
heures, pur ceo que avant ces heures peine
ne fuitte establie vers les trespassants coun-
tre les pointes des Charters auauntbytes.
Nostre seignior le roy les ad de nouel grāt
renouel et confirme. Et a la requestes des
prelates, countes, & barons a son parliament
a Westminster, en quaresme. lan de son reign
xrbij. ad certaines points affirm, & pein or-
deigne, et estable encounter toutes iceux, que
encounter les pointes des auaundits char-
ters

Articuli super chartas. 92.

ters, ou nul poynt de eux, en nul maner byen-
d'ot, ou misprēdzent, en la fourm q̄ sensuit.

¶ Confirmacion. 2.

Cestascavoire que de cy en auant la
graund charter des fraunchises Dengleterre,
grant a tout la commune Dengleterre, et la
charter de la forest en mesme le maner grāt,
soient tenus, gardes, et mayntenus en ches-
cune article. et chescune point, auxi pley-
ment come le roye les ad graunt, renouele,
& par la charter confirme. Et que cels char-
ters soient baillez a chescune viscount Den-
gleterre desoubes le seale le roy, a lire qua-
ter foites par an deuant le people en playne
countie: cestascavoire au procheine countie
apres la saint Michell, au procheine countie
apres le Noel, au procheine countie apres la
Pasque, & au procheine countie apres la
saint John Baptist. Et a ceux deux char-
ters en chescune point, et en chescune arti-
cle dicel, fermement tenir, et garder ou re-
medye ne fuit auant par la common ley, soy-
ent eslieus en chescune countie per la cōmen-
de mesme la countye troyz probes homes
chivalers ou auters loiaux, sages, & auses,
que soient iures et assignes per les letters le
roy onts de son grande seale, de oper et ter-
miner, sans auter brieve que lour commen-
grant, les plaintes que se ferront de toutes
iceux, que contreuentront ou mespren-
dront en nul des dits poyntes des auant-
dits charters en counties ou ils sōt assignes,
auxibien dedeins franchises, come de hoz, &

M. iij.

auxibien

Articuli super chartas.

auxibien des minifters le roye, hors de leurs places, come des auters, et les plaintes oper de iour en iour fauns delay: et les terminent fans allower les delates, q̄ sont allowes par la comen ley. Et que meisme ceux chivalers, eyent poier de punir tous ceux que serrront atteints de trespas fait encounter nul poynt. Des chartres avantdites, ou remedy ne fuit avant par la comen ley, auxi come avant est dit, par impzisonment, ou par ranfom, ou p amerciament, solongue ceo que le trespas le demand. Et par ceo nentend pas le roy, ne nul des loiens que a cest ordeignement fuerent, que les chivalers avantdits, teignent nul plee par le poswer que done leur soit, en cas ou avant ces heurs fuit remedy purueu solong la comen ley par brief: Ne que preiudice soit fait a la comen ley, ne a les charters avantdits, en nul de leur points. Et boetle roy, q̄ si tous trois ne soient presentes, ou ne purront a tous les foits attendre, a faire leur office en la forme avantdit, q̄ deux des trois le facent. Et ordeign est, q̄ les viscontz et les baillifs le roy soient attendantes a les cōmandemēts des avantdits Justices, en quāt q̄ appēt a leur office. Et oust ces choses grantes sur les points des chartes avantdits, le roy de sa grace especial, en allegiance des greuances, que son people ad eu par les guerres que ont este, et en amendement de leur estate, et par tant q̄ ils soient plus prestes a son service, & plus voluntiers aidants, q̄st il en auet a faire, ad grant ascuns articlez
les q̄ux

Articuli super chartas. 93.

les queux il entend que tyendront auxi byen
lyeu a son people, et auxi graunde profyte
ferront, ou plus, que les poynes auant
grantes.

¶ Purueiours. 4. & 5. Cap. 2.

En primes pur ceo q vn grand greuāt
est en cest roialme, et dām sans number, de
ceo que le roy et ses ministers de la roialm,
auxibien les aliens come les dentzengs, font
leur prises par la ou ils passēt par my le roi-
alme, & parnent les biens des gents, des cle-
res, & des lais, sans rien paier, ou bñ meines
que la value. Ordeine est, que de cy en auant
nul ne pzeign prises par mie le roialm, forsq
les parnours le roy, et les purueiours pur
lostell le roy. Et q les pnours le roy, & pur-
ueiours pur son hostell ne pzeignent ryens,
forsque pur mesme lostell. Et des prises que
ils ferrount par mie le pais de manger ou de
boire, et des auters menus necessaries pur
lostell, que ils facent la paie du gree a ceuz,
des queux les choses ferront prises. Et que
toutes ceuz parnours le roye, puruepours,
ou achatours, eyent de cy en auant leur gar-
rantie ouesque eux du graunde seale ou vn
petite seale le roy. conteignant leur poiar, et
les choses dont ils ferront prises, ou puruei-
ance, le quel garrant ils mōstrent a ceuz des
queux ils ferront la prise auant, ceo que ils
empzeignent riē. Et que ceuz parnourz, pur-
uepours, ou achatours le roye, ne pzeignent
plus que besoigne, et mestre ne soit pur l'roy
et son hostell, et de ses enfants. Et que rienz
ne

Articuli super chartas.

ne preignent pur ceux que sont as gages, ne pur nul autre. Et que ils respoignent en loftell, ou en la gardrobe pleinement de toutes lour prises, sans faire lour largesses aillors, ou liueries des choses. que pur le roy serront prises. Et si nul parnour del hostel le roy, p garrantie que il eit, face prises, ou liueres en aut maner, que desuis n'est dit, par plaît fait al seneschall, et au treasorer del hostel le roy, soit la veritie inqse. Et si de ceo soit attaint soit gree maintenant fait al plaintife, et soyt onste de seruice le roy pur toutes iours, et demurge en prison a la volunte le roy. Et si nul face prises sans garranty, & les emporte encouunter la volunte de celui, a que les biens sont, soit maintenant arrest par la ville, ou le prise sera fait, et amesne a la pchein gaole. Et si de ceo soit attaint, soit la fait d luy, cõe de laron, si la quantitie des biens le demand Et quant as prises faire en fairez, & en bons villes, & en portes par la grande garde robe le roy, eient les parnours lour commen garrant par le grand seale. Et des choses que ils prendront, eient la tesmoign du seale du gardein de la garderobe. Et dez choses issint p eux prises, de nombre, de quantitie, et de balie soit fait diuidend entre les parnourz & les gardeins des faires, maiors, ou chiefe bayllies des villes, et portes par le bien des merchantes des queux les biens serront issint prises. Et riens ne luy soit suffer de pndre, que il ne mette en diuidende. Et cel diuidende soit port en gardrobe soubes le seale
le

Articuli super chartas. 94.

le gardein, maioz, ou chiefe baillife auanditz
et la demurge tanqz sur laccompt du garde-
robe le roy. Et sil soit troue que nul eit au-
ment prise que faire ne deueroit, soyt puny
sur laccompt par le gardeyne de le gardrobe
le roy, solongz la deserte. Et si nul face tyelz
prises sans garrante, et sur ceo soit attapnt
soyt fait de luy come de ceux que sont pry-
ses pur lostell le roy sans garr, come desuis
est dyt. Et nentende mye le roye, ne son
counsaile, que par cest estatut rien decresse
au roy de son droyt des auncient prises du-
es et accustomes, come des vings, et auters
biens: mesque en toutes pointes pleynement
luy soit saue.

¶ Marshallie. 1. Cap. 3.

Des estates des seneschalx, & des mar-
chalx, & des plees que eux deuoient tenir, et
comēt, ordeine est que desormes ne teign plee
de franctenement ne de dette, ne de coue-
nant, ne de cōtract des gēts de people, forsqz
tant solement de trñs del hostell, et dauters
trespas fait de deins la verge, & ds cōtracts
et couenantes, que ascune del hostell le roye
auera fait a auter de mesme lostell, et en m
le hostell, et ne my aillours. Et nul plee de
trespas ne pledzont, auter que ne soit attach
par eux, auant ceo que le roy issera hozs de
la verge ou la trespass serra fapnt. Et les ple-
des hastiuement de iour en iour, issint q̄ ils
soient p pledes et termynes auant ceo que
le roy issēt hozs des bondes de cel verge, ou
le trespass suit fait. Et si par cas dedeins les
bondes

!Articuli super chartas.

bondes de cel verge ne poient estre termins,
cessent tielx plees deuant le seneschall, & soiēt
les plees a la comē ley. Ne desozmes ne pig
ne le seneschall conulāces des dets, ne dau-
ter chose, forsque des gentes del hostell auāt
dit, ne nul auter plee ne tiendē par obligat
fayt a le distresse ls seneschall ou de mares-
chall. Et si le seneschal, ou le mareschals riē
facent encounter cest ozdinance soit lour fayt
tenus pur nul. Et pur ceo que auant les heu-
res mults ds felonies faits dedeins la verge
oūt este depunis, pur ceo que les cozoners du
pais ne se ount pas entre mis denquerer dez
tielx maners des felonies dedeins la verge,
mes i cozoner del hostel le roy, que est passāt
de quoy issue nad mie este fait en du maner,
ne les felons mise en exigent, ne vtlages, ne
rien de ceo present en eire, que ad este a grād
damage du roy, et a meins bone gard de la
peace. Ordeine est que desozmes en case de
mort de home, ou office de cozoner appēt as
biews, et enquests de ceo faire, soit maunde
al cozoner del pais que ensemblement oue le
cozoner, del hostel le roy face l'office que ap-
pent, et le mettre euroll. Et ceo que ne pur-
ra mie deuant le seneschal estre termine, pur
ceo que les felons ne purront estre attaches.
ou par auter encheason, demurge a la com-
men ley, issint q̄ les exigentes, vtlagaries, et
presentmentes en eyre soient de ceo faytes
par le cozoner du pays, auxi come des au-
ters felonies faytes hors de la verge. Mes
pur ceo ne soyte lesse, que les attachements
ne soyent

Articuli super chartas 95.

ne soyent faytes freshement sur les felonies
faytes.

¶ Comen plees. 2. Cap. 4.

Couster ceo nul cōen plee ne soit desoz-
mes ten^r a leschequer, encoût la fozm de la
graund charter. |ca. 11.|

¶ Chauncery. 1. Cap. 5.

Et dauter part le roy boet q̄ le Chaun-
cellour et les Justices de son banke luy
suiuent issynt que il eyt toutes iours pres
de luy ascune sages de la ley, que sachent
les besoignes, que veignent a la court due-
ment deliuerer a toutes les foites que mes-
tier serra.

¶ Scale. 1. Cap. 6.

De south le petit seal ne issēt desozmes
nul bē q̄ touche comen ley.

7 **L**e Constable du chastel de Douer ne
plede desozmes a la port de chastel nul plee
fozein du countie, que ne touche la garde du
chastel. Et le dit constable ne distreigh les
gents due cinque portes a pleder aillourz ne
en auter maner q̄ ils deuoient, solōq̄ la fozm
des charters que ils ount des roys, de leur
franchises auncients affirmes par la graund
charter. |cap. 4.|

¶ Sheryffes. 3. Cap. 8.

Le roy ad graunt a son people, q̄ ils ei-
ent election de leur viscount, en chescū coū-
tye ou viscount nest mie de fee, sils voilent.
|post. cap. 13.|

¶ Jurour. 4. Cap. 9.

Le roye boet, et commaunde, que nul
viscount

Articuli super chartas.

biscount, ne baill ne mette en enquestz, ne in-
iuries plus des gentz, ne auters ne en auter
maner que il nest ordeine par estatute, et que
ils mittent en tiels enquestz, & iuries le plus
procheines, le plus suffisants, et meines sus-
picious. Et que auterment le fra, et de ceo
soit attaint, rend au plaintif sez dam au dou-
ble, et soit en la greue mercy le roy. |w. 2. ca-
pit. 38. |

¶ Conspiracy. 2. Cap. 10.

¶ En droit des conspiratourz, faux enfor-
mours, & malucis pcurours des douleines,
enquestz, assises & iures, le roy ad ordeyne
remedy as plaintifes par brieve de Chaun-
cellarie. |33. E. 1. de conspiration. | Et iade-
maines voet le roy, que les Justices de lune
bank & de lautre, & iustice d'assises prend as-
signes, quant ils veignent en pais a faire
leur office, de ceo facent leur enqsts a chescun
pleint sans brieve, & sans delaye facent droit
as pleintifes.

¶ Champertye. 3. Cap. 11.

¶ De recheve pur ceo q le roy avoit avant
ordeigne par estatute |w 2. cap. 49. | que nul
de ses ministers ne prist nul plee a champer-
tie, et par cel estatut auters ministers nestoi-
ent pas avant ses heures a ceo lies. Moet le
roy, que nul minister, ne nul auter, pur part
avoir des choses que sont en plee, enpreign
les besoignes que sont en plee. Ne nul sur ti-
el couenant son droit ne lesse a auter. Et si
nul le face, et de ceo soit attaint, soit forfait, &
encurrue deners le roy des biens, & des trez
10

le parnour, a la balue de tant come la partie de sō purchale par tiel emprise amontera. Et a ceo atteindē soit rescen celui, q̄ suer boundē pur le roy deuant les iustices, deuant queux le plee auer este, et par eux soit lagarde fait. Mes en ceo cas nest mie a entendē que hom ne poet auer counsaile des countours, & des sages gentes pur son donant, ne de ses p̄cheine amis.

¶ Det al roy. 4. Cap. 12.

¶ De recheſe boet le roy, que distresses q̄ sont a faire pur la dette, ne soient saytes par bestes des charues, tanque come home poet auter trouer, solong ceo que est ordeine aillours par estatute, oue la paine ꝛc. | 51. H. 3. de dist̄ scaccarij | Et ne boet que trop greuz distres soit p̄ise pur la dette ne trope loigne mesne. Et si le dettour puisse trouer suffisant, et couenable suertie, iusque a un iour deynes le iour al vicount, de deynes le quel home puisse purchaser remedye a fait̄ gree de la demaunde, soit la distres releſse endementiers, et que autermt̄ le fra, soit greue-ment puny.

¶ Shiriffes. 4. Cap. 13.

¶ Et pur ceo que le roy ad grant la elec- tion des viscounts a ceux dez countes | 8. an- te ca. 8. | boet le roy q̄ ils eslient tielx vicōtz, que ne les charge mys: et ne mettent nul mi- nistre en baillie pur louer, ne pur done. Et q̄ tiels ne se herbergent trope souent en un li- en, ne sur les powers ne sur les religions. | 9. E. 2. Lincoln de viceromitibus, |

¶ Hundredes

Articuli super chartas.

¶ Hundreds. I. Cap. 14.

EDe recheſe voet le roy, que les baillies & les hund du roy, ne les autres grand ſſr̄s de la terre, ne ſoyent leſſes a trope grande ſomme a ferme, par quoy le peuple ſoit greue ne charge par contribution faire a tyels fermes.

¶ Proces. I. Cap. 15.

EEn ſommons. et en attachementes en plee de terre, deſormes conteign la ſommons ou lattach. le term̄ de .xv. iours a tout le meines, ſolong la comē ley: ſil ne ſoit en attach-
m̄t des aſſiles p̄nd en plence le roy, ou des pleges deuāt iuſtiç en cire durant le eire. | vi-
de Harlebi. ca. 12.

¶ Retorne de vicon. 4. Cap. 16.

ESoit fait de ceux que ſont faux retoznz des bziefes al maundement le roy, par quoy dropture eſt delay, auxi come ordeyne eſt en le ſeconde eſtatute de weſtminſter | capif. 39 | oue la peine.

¶ Proclamacion. I. Cap. 17.

60. 1.
9.
Et pur ceo que mults meſſours ſont en la terre plus que ne ſolent, et robberies, ar-
ſions. et homicides faits ſans number, et la peace meines bien garde, pur ceo que leſta-
tute, que le roy fiſt faire nadgeres paſſes a Wynchesteſter | Anno. 13. E. 1. | nad pas eſte te-
nue. Voet le roy que cel eſtatute ſoit de nouel enuoy en cheſcune countie, et ſoit lieu & pub-
lie. .iii. foits par an, auxi bpen come les deux grand charters, et firmeint gardes en cheſ-
cune poynt, ſur les peynes que la eyns ſont
aſſiles

Articuli super Chartas. fo. 97

assises. Et a cell'estatute garder, & maintenir, soient charges les trois chiuallers, que sont assignes par mye les counties pur redresser les choses faites encounter les graūds charters, & de ceo eyent garrauntpe ante. capit. 1.

¶ Wast. 8

Cap. 18

En droit des wastes & distructiōs faites en gardes par eschetours, & subeschetours de measons, boys, parkes, viuers, & de toutz auters choses, que eschient en la maine le roy: Moit le roy, que celui que auet le dām resceu, eit bziese de wast en la Chauncellary vers leschetour de son fait, ou subeschetour de son fait, si eit de quoy respondre, & sil nad de quoy, si respond son soueraigne par autiel peine, quant as damages, come barraine ordeine est par estatute sur ceux que fount waste en gardes. | Gloſ capit. 5. & Westm. 1. ca. 21.

¶ Liure & Ouster lemaine. 2.

Cap. 19

De rechiese la ou leschetour, ou le viscount, seissent en la maine le roy auter terres la ou il nad reason de seiser: et puis quant troue est la non reason, les issues du mesme temps ont este ces en arriere retenus, et ne my rendus, quant le roye ad la maine ouste. Moit le roy que desloymes, la ou terres sont issint seilies, et puis la maine ouste pur ceo q il nad reason de seisier, ne ceo tener, soyent les issues pleinement rendus a celui a que la terre demurt, et auera le dām resceu 29. E. 1. Deschaetozibus.

¶ j.

¶ Golde

Articuli super Chartas.

7 Golde &c. I.

Cap. 20

Ordeine est que nul orfeure Dengleterre ne aillours de la seignoury le roy, ne ouere, ne face decy en auant nul maner de vessel, ne ioyaux, ne autre chose dor, ne d'argent que ne soit de bone et veray alay, cest a scauoir or de certaine touche, & argent dei a lay del esterling, ou de meliour alay, solonque la volun-
te de celui, a que les oueres sont. Et que nul oure pire argent que money. Et que nul maner de vessel d'argent, ne departe hors des maines des ouerours, tanqz el soit assay par les gardeins de la mester, & auxy que el soit signe dun teste de Leopard. Et q nul ne oure pire ore, que touche de Paris. Et q les gardeins due mester allent de shoppe, en shoppe enter les orfeoures, assaints q loz soit tiel cōe la touche auantdit. Et silz trouent nul pier q la touche, que leur soit for fait au roy. Et que nul ne face aneaux, croix, ne firmes. Et nul ne mette pier en or, si el ne soyt naturel. Et que taillours des apmans, & des ceaux, rendant a chascune son poys d'argent et dor auxy auant come ilz le purront scauer sur leur foialty. Et les ioyaux dor, que ils ont entermains de veill ouere, que ilz seu deliueront a plus tost que ilz purront. Et sils achatent desor en auant de mesme cell oueraige, que ilz lachotent pur defere, & ne my pur reuender. Et toutz les bons villes Dengleterre, la ou il y ad orfeures, que ils facent par mesme lestatur, come ceux de Londres sont. Et que vn veigne de chescune bill pur

de Appellatis. fo. 98

pur tous a Londres, de quel leur certeyne
touche. Et si null' orseure soit attainte que
auterment le face que desuis n'est ordeine
soit punye par prison, & par ranson a la vo-
lunte le Roye. Et en toutes les choses de-
suis ditz, et chescune de els, doit le roy, & tene
il, & son counsell, & toutz ceux que a cest
ordeinement furent, que le droit et
la seignioury de sa corone
saues luy soient par
toutes &c.

Expliciant Articuli super
Chartas.

Statutum de Appellatis.

Note that this statute is in other printes
vntreuely entituled *Modus Le-*
uandi fines.

¶ Appels. 7.



Cum certi iustici in singulis com-
regni ad assisas in eis capiend
de nouo assignat sint, simulque
ad deliberationem gaclarum eo-
rundem com in singulis aduent
suis fac post capcionē earū ass-
sari. put in in statuto dñi regis inde confecto
¶.¶ plenius

Statutum de Appellatis.

plenius continetur. | 27. E. 1. ca. 13. de finibus
lenatis. | Dominus Rex ad parliamentum
suum apud Westm. Anno regni sui xxviij. p
pace firmitus observand, felonibusq; celerius
convincend, & prisonibus citius deliberand, co
cessit ordinavit, & statuit, quod quicunq; fue
rint appellati per probatores existē in gaol
is, quas ipsi Justit deliberant, & ubicunq;
in regno nostro ipsi appellati commorantes
fuerint, aut latitantes qđ statim mandet viē
in quorum balliva taliter appellati fuerint
conversantes aut poterint inveniri, p breve
domini regis sub testimonio eorundem iustit
qđ talit appellatos capiant & ducere fac ad
gaolas ubi appellatores per quos appellant
fuerint detenti & ibidem coram ipsis Justit
respondeant. Et si ipsi appellati, se super pa
triam posuerint, similiter mandetur p breve
de iudicio per eosdem iustit viē in cuius bal
liva felonie facte fuerint, de quibus appellā
tur, quod venire faciat coram eisdē iustit in
quis. patris ad eundem locum, ubi appellato
res sunt detenti, ad certum diem. Et viē et
aliq in quorum custodia appellatores detinē
tur, admittant sine contradictione appel
latos per eosdem probatores, cum
idem appellati capti fuerint in
forma predicta, et ad ip
sos appellatores ad
ducti.

¶ Statut' de coniunctim feoffa-
tis. Anno xxxiiij. E. j

¶ Assise. 9.



Ex omnibus ad quos &c. sa-
lutem. Non est nouum quod
nos inter ceteras legum edi-
tiones quas temporibus nos-
tris adinuenimus. pro nimia
& enozmi transgressione, que
in breuibz noue disseisine contingit pre cete-
ris, in illis breuibz celerius apponi decre-
uimus remedium. Et quia quam pluries co-
tingit, quod in assisa noue disseisine tenens
excipit contra querentem, quod tenet teñ pe-
tit a coniunctim feoffatus cum broze sua non
nominata in breui, aliquando cum aliquo ex-
traneo qui similiter non nominatur in breui
et profert chartam que hoc testatur, et petit
iudicium de breui, concordatum est et statu-
tum, quod si pars querens offerat verificare
per assisam, quod die impetracionis breuis,
sui, ille qui talem excepcionem proposuit, suis
solus tenens, ita quod broz sua, nec alius a-
liquid habuerit in predictis tenementis, tunc
iusticij coram quibus predicta assisa arraniata
est, retineant predictam chartam saluo in cus-
todia eozundem, quousque assisa inde inter
eos transierit, ut illam que quasi dedicta est.
Et scire faciant per breue nostrum sub eo-
rum testimonio parti absentis, quem charta

¶. iij.

testat

de coniunctim feoffatis.

testat simul cum tenente qui presens est coniunctim feoffatum, quod sit ad certum diem responsurus, simul cum alio tenenti parti querenti tum de exceptione proposita, quod de tenentis & positus in visu, si sibi viderint expedire. Ad quem diem si ambo qui dicunt tenentes venerint, & feoffamentum illud aduocauerint, respondeant, & manu teneant exceptionem per unum eorum propositam, & similiter vultus ad assisam, ac si breue originale super eos coniunctim fuisset impetratum. Et si convincatur per assisam, quod exceptio illa in retardationem iuris querentis maliciose fuit proposita, eo quod ipsi non fuerunt coniunctim feoffati de tenentis illis, die impetraciones predicti breuis, tunc licet assisa illa transierit pro tenentibus & contra querentem nihilominus puniantur talem exceptionem proponentis per prisonam unius anni, a qua non exeant sine gravi redemptione. Et caueant de cetero Iusticiarius quod talem exceptionem sic propositam per balliuos aliquorum tenentium non admittat. Si autem ille qui exceptionem illam proposuit se ad diem illum absentauerit, & alter qui dicitur coniunctim feoffatus comparuerit, licet ipse comparens predictam cartam aduocauerit, & dixerit se nihil habere in predicta tenentia, nihilominus adiudicetur assisa versus tenentem absentem per eius defaultam. Et si convincatur per assisam, quod ipsi non fuerunt coniunctim feoffati, die impetracionis breuis predicti, & si similiter convincatur quod tenens super quem breue fuerit impetratum, vel alius nominatus in breui disseisierit querentem, tunc

de coniunctim feoffatis fo.100

tunc habita cōsideratione ad excepcionem in
lesionem partis falso et maliciose propositam
& ad disseisinam per eos factam, pars que-
rens recuperet seiſinam suam et damna sua
in duplo, et proponentes illam excepcionem
habeant penam supradictam. Si autē neu-
ter tenentiam ad diem illam venerit, tunc p
eorum defaltē versus eos capiatur assisa. Et
si compertum sit per eandem, quod exceptio
illa vere et rite sit proposita, quia ipsi qui eā
proposuerint fuerunt coniunctim feoffati an-
tequam querens breue suum versus eos im-
petrauerit, non procedatur ulterius ad assisā
sed cassetur breue querentis. Hoc idem ob-
seruetur si ambo vel vnus tm venerit, si cō-
periat per assisam, qđ exceptio p̄dicta (vt pre-
dictum est) veracit̄ fuit p̄posita. Eodē modo
statutum & concordatum est, quod in assis
mortis antecessoris, & breui de iuris vtrum,
ad primum diem quo partes comparuerint
in curia, si tenens proponat predictam excep-
tionem contra petentem, & de hoc pretendit
chartam, et petens offerat verificare p assisā
vel iuratam, qđ die impetracionis breuis sui
ille qui talem excepcionem proposuit, fuit so-
lus tenens, extunc idē processus et modus
procedendi seruetur in huiusmodi assisa mor-
tis antecessoris, & breui de Iuris vtrum, qui
preordinat̄ est, & statat̄ in assis no. disseisine
Et eadem pena delinquentibus & conuictis
infligat̄. In alijs vero breuibus per que tene-
menta petentur, talis fiat processus, qđ si pri-
mo die quo partes comparuerint in cur̄ tenēs

de coniunctim feoffatis.

proponat exceptionem predictam de coniuncto feoffamento & petens offerat verificare per iurata patrie, quod die impetrationis brevis sui ille qui exceptionem illam proposuit fuit solus tenens, tunc idem processus et modo procedendi servet inter partes, quousque iurata inde inter eas transierit. Et si comperiat per iurata, quod exceptio illa veraciter fuerit proposita, tunc casset breve petentis. Et si comperiat per iurata, quod exceptio illa false & maliciose, in lesionem partis fuit proposita, tunc petens recuperet seisinam suam de tenementis petitis, & tenens puniatur per penam supradictam in assisa nove disseisine, quo ad prisonam, & quo ad damna secundum discrecionem Iustit. Et volumus & concedimus, quod istud statutum incipiat locum tenere in crastino sancti Petri ad vincula proximo futuro.

¶ Indicavit.

Quod etiam lites in curia Christianitatis hactenus indebitas dilationes multociens sortiebantur, per hoc quod breve nostrum quod vocat Indicavit, iudicibus talium litium in initio earum dilatum fuit, & super hoc capitalis Iustit. nostr. ad consultacionem super tali processu faciendam, rite seu debito modo nequit procedere, concordatum est, quod tale breve Indicavit alicui de cetero non concedat, antequam lis in curia Christianitatis inter partes fuerit contestata, et quod per inspectionem libelli Cancellarius noster

frangentibus prisonā fo. 101
noster certiozetur super hoc. In cuius rei
testimonium has litteras nostras
fieri fecimus patentes. Teste
me ipso apud Westm̄ 27.
die Maij. An̄ regni
nostri 34.

ExPLICIT Statut de coniunctim
seoffatis.

¶ Statut de frangentibus priso-
nam, editum, Anno. j.
E. primj. ij.

¶ Felonye 2.

De prisonarijs prisonam frangē-
tibus, dominus rex vult & pre-
cipit, qd nullus de cetero qui pri-
sonam fregerit, subeat iudicium
bite vel membrorum pro fracti-
one prisonē tantū, nisi causa p qua captus &
imprisonatus fuerit, tale iudicium requirat,
si de illa secundum legem et consue-
tudinē terre fuisset convictus, licet tem-
poribus preteritis aliter
fieri consuevit.

Finis.

¶ **Articulus statuti Gloc', cor-
rectus pro Ciuibus Lon-
diñ, de forenficis vo-
catis ad warē in Hustingo
Lond. / 9. E. 2 |**

¶ **Voucher. 7.**



¶ **Arueu est ensement, que
si home enplede en la city
de Londres bouche for-
reine a garrate, le Maioz
et les bailifes aiournent
les parties deuant Jus-
tices de banke au certeine
iour, & enuoient la lour re-
coz. Et les Justices fañ somm le garē de-
uant eux et pledent le garē. Et le Maioz et
les bailifes en dementiers surcessent a la
parole que est deuant eux per brieſe iusque
a tant que la parole de la garē soit termine
deuant Justices du banke. Et quant la
parole serra termine en banke, serra dit al
garē, que il boise en la Citie, et respoign del
chieſe plee. Et le demaund per sa suit eit des
Justices de banke au Maioz et eux bailifes
que ilz voisent auant en le plee. Et si le de-
maund recouet beigh le tenant aux Justices
de banke, & eit brieſe au Maioz et as bailifez
que si le tenant eit sa terre perdu, que ilz fa-
cent extendre la terre, et retournēt l'extent
au bank au certeine iour, apres soit maunde
au viscount du pais, ou le garē fuit somm,
que**

que il face auoir de la terre du garraunt a la
 baliance. Et sil aucigh que le tenant face de-
 faut au iour que luy est done en banke, don-
 ques issera brieve des Justices du banke as
 Maioz et bailifes de prendre le tencement de-
 maunde, en la maine le roy per le petit cap, &
 de summe le tenant, que il soit al Husting. au
 certaine iour. dont les Justices serent auises, a
 render iudgement de cel defaute, sil ne la pu-
 isse sauer, & sil la puisse sauer, adonques les
 Justices soient de ceo certifies per leur re-
 cozd, & les Justices per leur recozd pledent
 le garē.

Memorandum qd iste articulus in for-
 ma predicta consignatus fuit sub magno si-
 gillo dñi E. filij regis E. anno regni sui no-
 no, & missus Justic de banco in modū bñs
 patentis cum quodam breui clauso sub data
 regis apud Westm̄ secundi diei Maij anno
 predicto, quod ipsi omnia et singula in ar-
 ticulo predicto contenta facerent et exe-
 querentur. Non obstante quod ar-
 ticulus ille in omnibus cum
 Statuto Gloꝝ [ca. 12.]
 non concordat.

Finis.

¶ Articuli cleri editi

Añ.jx.E.ij.



Edwardus dei gracia rex Anglie &c. Omnibus ad quos presentes littere pervenerint, salutem. Sciatis quod cum dudum temporibus progenitorum nostrorum quondam regum Anglie, in diuersis parliamentis suis, & similiter postquam regni nostri gubernacula suscepimus, in parliamentis nostris, per prelatos, & clerum regni nostri plures articuli continentes grauamina aliqua ecclesie Anglicane, et ipsis prelati & clero illata, & in eisdem asserebatur, poꝛrecti fuissent, et cum instantia supplicatum, vt inde apponeretur remedium oportunum: ac nuper in parlamento nostro apud Lincoln anno regni nostri nono, articulos subscriptos, & quasdam responsiones ad aliquos eorum prius factas, coram consilio nostro recitari, ac quasdam responsiones corrigi, & ceteris articulis subscriptis per nos & dictum consiliu nrm fecerimus respondere: quorum quidem articuloꝝ & responsionum tenores subsequunt in hunc modum.

¶ Prohibicion. I.

Cap. I

In primis laici impetrant prohibiciones in genere super decimis, obventionibus, oblationibus, mortuarijs, redemptionib⁹, penitentiarum, violenta manu iniectione in clericum vel conuersum, et in causa diffamationis: in quibus casibus agitur ad penam canonicam imponendam: Rex ad istum articulum respon-

respondit, quod in decimis oblationibus, ob-
ventionibus, mortuarijs, quando sub istis
nominibus proponunt, prohibitione regie nō
est locus: etiamsi, propter delentionem istorū
diuturnam, ad estimationem eorundē pecuni-
arium veniat. Sed si clericus vel religiosus
decimas suas in horeo suo congregatas, vel
alibi existentes vendiderit, alicui pro pecunia
si petatur pecunia coram iudice ecclesiastico,
locum habet regia prohibitio, quia p vendi-
cionem res spirituales fiunt temporales, et
transeunt decime in cattalla.

¶ Prohibicion. 1. Cap. 2.

¶ Item si sit contentio de iure decimarum
originē habens de iure patronatus, & earūde
decimarū quantitas, ascendat ad quartā par-
tem bonorū ecclesie, locum habeat regia pro-
hibitio, si hec causa coram iudice ecclesiastico
ventiletur. Item si prelatus imponat penā pe-
cuniariā alicui p pccat & repetat illā, regia
prohibitio locum habet. Verumtamen si plati
imponant penitentias corporales, & sic puni-
ti velint huiusmodi penitēcias p pecuniā redimet
sponte, non habet locum regia prohibitio, si co-
ram prelatis pecunia ab eis exigatur:

¶ Prohibicion. 1. Cap. 3.

¶ Insuper si aliquis violētias man⁹ iniece-
rit in clericū p violētia facta, debet emenda
fieri corā rege. Pro excommunicatione vero, co-
rā plato, ubi imponat penitentia corporalis,
& si reus velit spōte p pecuniā redimet dandū
prelato vel leso, potest repeti corā plato, nec
in talibus regia prohibitio locum habet.

¶ Pro-

Articuli cleri.

¶ Prohibicion. I.

Cap. 4.

In diffamationibus etiam corrigant flatu supradicto modo regia prohibitione non obstante primo intungendo penam corporalem, quod si reus velit redimere libere percipiat prelatus pecuniam, licet regia prohibicio porrigatur.

¶ Prohibicion. I.

Cap. 5.

Item si aliquis in fundo suo molendinum erexit de nouo, et postea a rectore loci exigat decima de eodem, exhibetur regia prohibicio sub hac forma. Quod de tali molendino hactenus decime non fuerunt soluti, prohibemus etc. et sententiam excommunicationis, si quam hac occasione promulgaueritis, reuocetis omnino.

Responso. In tali casu nunquam exiuit regia prohibitio de principis voluntate: qui et decernit tale perpetuo non exire.

¶ Iurisdiction. I

Cap. 6.

Item si aliqua causa vel negotium, cuius cognitio spectat ad forum ecclesiasticum, et coram ecclesiastico iudice fuerit sententialiter terminata, et transierit in rem indicatam, nec per appellationem fuerit suspensum, et postmodum coram iudice seculari super eadem re inter easdem personas questio moueatur, et probetur per testes vel instrumenta, talis exceptio in foro seculari, non admittatur.

Responso. Quod si eadem causa diuersis rationibus coram iudicibus ecclesiasticis, et secularibus ventilatur ut supra patet de iniectione violenter manuum in clericum, dicunt quod (non obstante ecclesiastico iudicio) cum regis ipsum tractat negotium, ut sibi expedire videtur.

¶ Excom

¶ Excommenement. 2.

Cap. 7.

Item littera regia ordinarijs dirigitur, qui aliquos suos subditos excommunicacionis vinculo innodarunt, qđ eos absoluāt infra certū diem: alioquin qđ compareat respōs quare eos excommunicauerunt. ¶ Respon-
sio. Rex decernit, qđ talis littera nūq̃ in pos-
terum exire permittatur, nisi in casu quo pos-
sit inueniri, sed per excommunicacionem re-
giā libertatē.

¶ Residence. 1.

Cap. 8.

Item barones de scaccario domini regis
benedicantes sibi ex priuilegio, qđ non debent
extra illum locum conquerenti cuiusq̃ res-
pondere, extendunt illud priuilegium ad cle-
ricos commozantes ibidem, vocatus ad or-
dines, seu ad residentiam, & diocesanis inhi-
beant, ne aliquo modo, aliquaue ex causa, vñ
sint in scaccario et in seruicio domini regis,
trahant ad iudicium quouis modo. ¶ Respon-
sio. Placet domino regi, vt clerici suis obse-
quijs intendentes, si delinquant per ordinari-
os (vt ceteri) corrigantur, sed tempore quo
occupantur circa scaccarium, ad residentiam
in suis faciendam ecclesijs non teneantur.
Hic additur de nono, per consilium domini
regis. Rex & antecessores sui a tempore cu-
ius contrarij memoria non existit, vñ sunt,
quod clerici suis immozantes obsequijs,
dum obsequijs illis intenderint, ad residen-
tiam in suis beneficijs faciendam minime
compellantur: nec debet dici tendere in pre-
iudicium ecclesiastice libertatis, qđ pro rege
& re

Articuli cleri.

republica necessarium inuenitur.

¶ Distres. 9. Cap. 9.

Item ministri dñi regis, vt vñ, & alij, ingrediunt feoda ecclesie ad faciendū districtiones, & aliqui capiūt animalia rectorum in via regia, qñ non habēt nisi terram pertinēt ad ecclesiam. ¶ Responso. Placet dño regi [ne] de cetero districtiones fiant huiusmodi nec in via regia, nec in feodis quibus olim ecclesie sunt dotate. Vult tamen districtiones fieri in possessionibus de nouo a personis ecclesiasticis acquisitis.

¶ Abiuracion. 3. Cap. 10.

Ite quandoq; aliqui confugientes ad ecclesiam abiurant terrā, scdm regni consuetudinē, & prosequuntur laici eos, vel inimici eorum, & a publica strata abstrahuntur, & suspendunt, vel statim decapitant, & dñi sint in ecclesia custodiuntur p armatos infra cimiterium, [&] quādoq; infra ecclesiam ita arcte, qd non possunt exire locū sacri causa superflui pōderis deponendi, nec pmittit eis necessaria ad victus ministrari. ¶ Responso. Qui terā abiurauerint, dñi sint in strata publica, sint in pace dñi regis, nec debent ab aliquo molestari: & dñi sint in ecclesia, custodes eorū nō debent morari infra cimiteriū, nisi necessitas, vel euasionis periculū hoc requirat: nec arc tenē cōfuge. dum sint in ecclesia, quin possint habere vñ necessaria: & exire libere p obsequio pondere deponendo.

¶ Appelles. 6.

Placet etiam dño regi, vt latrones, vel appellatores

appellatores, quecunq; voluerint, possint sacerdotibus sua facinorosa confiteri: sed caneas confessores, ne erronee huiusmodi appellatores informant.

Monasteries. 3. Cap. 11.

Item petitur, qd dñs rex, & regni magnates non onerent domos religiosas, vel ecclesiasticas personas, p corodijs, pensionib⁹, vel perhendinationibus faciend⁹, in domibus religiosis, & alijs locis ecclesiasticis, cærectis & equis sibi mittend⁹, cum per hoc prædicte dom⁹ depauperent, cultusq; diuinus in hac parte diminuat. & ppter hñodi onera compelluntur sepissime p̄sbyteri, & alij ministri ecclesiastici diuinis officijs deputat, a locis recedere suprad. **R**esponso. Placet dño regi quod sup contentis in petitione, de cetero in debite nō onerent. Et si p magnates, aut alios cōtra fiat, habeant inde remedium iuxta formam statutorum tēpore dñi. **E**. regis patris domini regis nñc editorũ: fiat consumile remediũ de corodijs & pensionib⁹ p cohercionē exactis, de qb⁹ non sit mētio in statutis.

Excommengement. 3. Cap. 12.

Item si aliqui de tenura domini regis vocantur coram ordinarijs extra parochiam in qua degunt, si ppter suam contumaciam manifestam excommunicentur, ac post .xl. dies p̄s eorum captione scribatur, pretendunt se p̄uilegiatos, quod extra villam seu parochiã suam non debeat vocari, & sic denegat bñe regium p̄s captione eorũdē. **R**esponso

W. l.

Quinquam

Articuli cleri.

Nunquam fuit negatū, nec negabitur infuturum.

¶ Abilitie & nonabilitie. 1. Cap. 13.

Item petitur qđ persone ecclesiastice, quas dominus rex ad beneficia pntet ecclesiastica, si episcopus eas non admittat, vt puta ppter defectum scientie, vel aliam causam rationabilem non subeant examinationem laicarum personarum in casibus ante dictis, p̄ut his temporibus attentatur de facto, contra canonicas sanctiones: sed ad eant iudicem ecclesiasticum, ad quem de iure pertinet, p̄o remedio, p̄out iustum fuerit, consequendo. ¶ **R**esponsio. De idoneitate persone p̄sentate ad beneficium ecclesiasticum pertinet examinatio ad iudicem ecclesiasticum et ita est hactenus vsitatum, et fiat infuturum.

Election. 2. Cap. 14.

Item si vacet aliqua dignitas, vbi electio est facienda, petitur quod electores libere possint eligere, absq; incussione timoris a quacunq; potestate seculari: et quod cessant p̄ces, & oppressiones in hac parte. ¶ **R**esponsio. Fiant libe, iuxta formam statutoꝝ et ordinationem. / W. 1. ca. 5.

¶ Clergye. 3. Cap. 15.

Ite licet clericus coram seculari iudice iudicari non debeat, nec aliquid contra ipsum fieri, p̄ quod ad periculum mortis, vel ad mutilationem membrorum valeat peruenire seculares tamen iudices clericos ad ecclesiā confugientes, & reatus suos forte confitētes faciunt

faciunt abiurare regnum, & eorū abiurationes admittūt ex illa causa, quāq̃ eorū iudices sup̃ his nō exillant: sicq̃ dat laicis indirecte potestas h̃modi clericos cruciandi, si ipsos post h̃modi abiurationē in regno cōtigerit inueniri sup̃ quo petūt plati. & cler⁹ tale remediū adhiberi, vt immunitas ecclesie, & psonarū ecclesiasticarū conseruet illesa. ¶ Responſio. Cleric⁹ ad ecclesiā cōfugiens p̃ ſclonia p̃ immunitate ecclesiastica obtinēda, si asserit se esse clericū, regnū nō cōpellatur abiurare, sed legi regni se reddēs gaudebit ecclesiastica libertate, iuxta laudabilē consuetudinem regni hactenus vſitatom.

¶ Clergie. 4. Cap. 16.

¶ Item quanquam confessio, coram illo qui non est iudex, confitentis, locum non teneat, nec sufficiat ad faciendum processum, vel sententiam proferendā: quidam tamen seculares iudices, clericos qui de foro suo in hac parte non existunt, reatus proprios, et enormes, vt puta furta, roberias, homicidia coram eis confitētes, admittunt accusationē illorum, quam ipsi communiter vocant appellum ipsos sic confitētes, et accusātes, seu appellū facientes non liberant platis eorum post p̃missa, quāq̃ super his fuerint sufficienter requisit, licet coram eis etiam per cōfessionem propriam indicari vel condemnari nequeant, absq̃ violatione ecclesiastice libertatis. ¶ Responſio. Appellatoꝝ in forma debita tanq̃ clerico, per ordinariū petito libertatis ecclesiastice beneficium non negabitur.

D. g.

Pos

Articuli cleri.

Nos desiderantes statui ecclesie Anglicane,
& tranquillitati, et quieti prelatorum & cleri
predictorum (quatenus de iure poterimus)
prouideri ad honorem dei, & emendationem
status dicte ecclesie et prelatorum & cleri p=
dictorum, omnes et singulas responsiones
predictas, ac omnia & singula in eisde respō=
sionibus contenta ratificantes & approban=
tes, ea pro nobis et hered nostris concedim⁹,
et precipimus in perpetuum inuiolabili ob=
seruari, volentes, & concedentes pro nobis &
hered nostris, quod predicti prelati, et clerus
et eorum successores in perpetuū in pmissis
iurisdictionem ecclesiasticam exerceant, iux=
ta tenorem responsionum predictarum,
absq occasione | ecclesie | inquieta=
tione, vel impedimento nostri,
vel nostrorum hered, seu
ministorum quorum
cumq. In cuius
ec. Test. &c.

Expliciunt Articuli cleri.

¶ Statutum Eborac. edit.

Anno. xij. Ed. 2.



Or ceo que plusieurs gentes du
royalme Dengleterre, et de la
terre Wylande, ont auant ceux
heures soient faites, souffertes
mischiefe, dam, et disherisons par
enchea=

encheison de ceo que en aucun cas ou defaut
fuit en ley, remedy ne faist ordeign: & auxint
pur ceo que aucun pointes des estatuts auāt
faits auoiēt mester declarisment: Nre seig=
niour le roy Edward, firs au roy E. desirāt
plener droit estre fait a son peoplr, a son par=
liament a Euerwike, a troys semaines de
saint Michell, lan de son reigne. xij. per assēt
des prelates, countes, barones, et le cōm=
naltie de son royaume, illonques assemblez
fist les establismentes et les estatutes,
queux sensuent. les queux il voet que en
le dit royaume et en la dit terre soyent fir=
mement tenus.

¶ Assise. 8. Cap. 1.

¶ En primes pur diuers mischieses, qur
ount este de ceo, que les tenants en assyses
de nouel disseisin, ne puissent auāt ceurheurz
faire attorneis, accorde est, que les tenants
en assises de nouel diss. puissent faire attour=
neis. Et ne entend ny le roy par tauntj, que
les tenants & les defend en assise de no diss.
ne puissent pled par baillifs, sils voillent, cōe
auant soient.

¶ Witnes. 1. Cap. 2.

¶ Et ensement accord est, que quant, chēe
quite claim acquittance, ou auter escript soyt
dedist en la court le roy, en queux sont tes=
moign nosmes, soit proces fait de faire ven
les tesmoign, come auant ad este vse, issint q
si nul veign a le graund distresse sur cux re=
tozne, ou retozne soit que ils nount riens, ou
ne sont troues: que adonques ne soyt leste le

De statuto Eborac.

prise del enquest par absēce de ceux tesmoigns
Et si les tesmoignes veignout par le grāb
distress, et lenqst per ascune encheason, re-
maigne apprende, soit m le iour doñ a cens
tesmoignes. q̄ux issint viendront q̄ est doñ
a lenquest prend, a q̄i iour si les tesmoignes
ne viendront, soient lour issues primes sur
eux retoznes forzaites, et la prise del enquest
ne remaign a prendre pur lour absence. Et
pur le absence des tesmoigns, q̄ux sont deins
franchises ou briez le Roy original ne curt
ne soit le prise del enquest lesse.

¶ Nisi prius. 3. Cap. 3.

¶ Et come il soit conteign en lestatut fait
a Westminster, le second iour de April, lan
du roign le roy pier nostre seignior le roye
que ore est. xxv ij. | de finibus levatis cap. 4. |
que les enquests et les reconusances deuant
Justices de lune banke et de lautre aindgez
fussent prises deuant ascune des Justices
des places, associe a luy vn chivaler del coti-
tie ou les enquests seront apprendes, si les
enquests ne fussent de graunde examinemēt
et que en tiels enquestes soit fait sicome les
Justices verount que soit affaire au pzoſyte
du roialme, le quel estatut ad mester destre
mieux declare. Accorde est, que les enquests
et iurres, queux seront ou soient appren-
des en plee de terre, queux ne sont mye de
graunde examinement, soient prises en pais
deuant vn Justice del place ou le plee est, as-
socie a luy vn pde home del pais, chivalier
ou aut, issint q̄ certain iour soit doñ en bank
et

et certeyne iour et lieu en pais en pſence des parties, ſi le demand le prie. Et auxi les enquestes et iures en plee de terre, que demande graunde examinement, ſoyent prises en pais, en la ſozme ſuiſoit, deuant deux Juſtices de bank.

¶ Nifi prius. 3. Cap. 4.

Et eit le Juſtice, ou les Juſtices polar de recoꝝd nonſuits, et defautes en pais, as iours & lieux, queux ſeront assignes, ſicome deſuis eſt dit. Et ceo que ils aueront fait en les choses ſuiſoits ſoit repozte en banke au iour doñ, et illonques enrolle, et ſur l iudgement rendus. Et nentend ny le roy, que les dits inqueſts et iures ne puiſſent eſtre priez en banke, ſils veignent, ne que ceſt estatute ſoy extende as graundes aſſiſes. Et auxi vn Juſtice de lune place ou de l'autre, aſſorie a luy vn pꝛode home du pais chivaler ou au- ter, a la request del pl' pzeigna les enquestes des ples pledes & a pleder, queux ſont mo- ues per attachement et diſtres, et eit popar de recoꝝder nōſuits, cōe deſuis eſt dit, & pꝛe- der les enqueſts per defautes illonq̃s ſaytz. Et quant a les aſſiſes de darrene pꝛeſent- ment & les inqueſtes ſur bꝛiefe de quare im- pedit pꝛendres ſoit fait come eſt conteign en le. ij. estatute de weſt minſter cap. 30. Et ciēt les iuſtices potar a recoꝝd nonſuits et de- fautes en pais, et ſur ceo iudgement doner com en banke, et ſoit repozt en banke ceo que ils ont faites, et illonq̃ ſoient enrolle. Et ſi aueign que le Juſtice, ou les Juſtices,

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queux sont ou seront assignes dappzender
tielz inquests en pais ne beignôt, ou si beign
en pays au iour assigni ademaynes les par-
ties & les gents des inquests gardent loure
iour en banke.

¶ Retornes &c. 3. Cap. 5.

Et pur ceo que souent pleints a este fait
en la court le roy, que les retoznes, queux
baillifes des fraunchise, queux ount pleyne
retozne del brieve le roy, ount liueres as vis-
counts, apzès ount este chaunges, et en auter
maner retoznes en la court del roy, a dam
des ascuns del parties, & en delaiace de droi-
ture. Accord est, que des retoznes, queux des-
soze se ferront as viscounts per baillifes de
tiels franchises, soit fait indenture parenter
le baillife del fraunchise nosme per son pro-
per nosme, et le visc nosme p son prop nosme,
Et si le visc chage le retozn issint liuer a luy
per endenture, et de ceo soit attaint al suit vil
seignior du fraunchise, dount il ad tyel re-
tozne rescen, si le seignior auera dam en-
currue, ou la fraunchise soyt emblemy, & a le
suite del partie que auera dam encurrue per
cel encheafon, soit punie deuers le roy come
de faux retozn, et rende al seignior et a le
party dam au double. Auxint est accord, que
desoze les visc, ou auters baill queux rescei-
ront bres le roy retozn en la court, mittent
leur proper nosmes oue les retoznes, issint
que la court puist scauer a que ils prendront
tiels retoznes si mest soit. Et si aucune vis-
count, ou auter baillife en ses retoznes en-
terlessa

terlessa son noſm, soit il greuousmēt amercy
al oeps del roy.

¶ Vitails. I. Cap 6.

CEnsement pur comon profite du people
accorð est, que nul minister en cite, ne bo-
rough, que per reason de son office doit gard
assises des viuers, et des vitails, entant cōe
il serra attendant a cel office, ne marchand
vines ne vitails in grosse ne a retail. Et si
aucun le face, et de ceo soit attain, le mer-
chandise dount il serra attain soit forfait au
roy, & la tierce partie soit liuer, come il doñ
le roy a celuy a que suite le trespassour serra
issint attain. Et en tiel cas soynt resceu celuy
que voudra suer pur tiel chose atteind. Et
chancell, treasorer, barons del eschequer,
Justiç de lune bande & de l'autre, & Justices
assign as assises prendre recepuent tiels
pleintes per bñefes & sans bñefes, et les
terminent, et par facent tous les choses cō-
teign en cest article en le forme, auantdit. Et
iademaines puis le roy assign les Jus-
tiç a cel chose parfaire en cities, &
boroughes, quant & la ou
luy plerra.

¶ Explicit statutum Ebor.

¶ Statutum

¶ Statutum de Eſſoñ calumñ,
ediſ. Anno, xij. Ed, 2.

¶ Eſſoñ. 12. Cap. I.



Hec demonstratur quot modis
eſſoñ sunt calumniand, & in qbus
calibus eſſoñ non iacet, videli-
cet non iacet eſſoñ, q̃a terra cap-
ta est in manum dñi regis. ¶ Non
iacet eſſoñ, quia districtus est per tras. ¶ Non
iacet eſſoñ, qz cōcessū est hinc inde iudicium,
si iurata veniant. ¶ Non iacet eſſoñ, quia visus
fuit in curia. ¶ Non iacet de vltra mare, q̃a ali-
as se eſſoniauit de malo veniendi. ¶ Non iacet
quia alias se eſſoniauit tali die. ¶ Non iacet, q̃a
p̃ceptū fuit vicecomiti, qd faceret eū venire.
¶ Non iacet de seruitio domini regis, quia fe-
mina, nisi quia nutrix, obstitrix, aut mittat p̃
breue ad ventrem in spiciendam. ¶ Non iacet
in breui de dote, quia videtur deceptio, & p̃-
rogatio iuris. ¶ Non iacet quia talis querens
non inuenit plegios de p̃of. ¶ Non iacet, quia
attozñ fuit eſſoniaf. ¶ Non iacet, quia habet
attozñ in loquela. ¶ Non iacet, quia eſſoniatoz
testatoz, quod non est in seruitio domi-
ni regis. ¶ Non iacet quia sum̃ testificat non
est, vel pars non attachiat, eo qd vlc̃ mādā-
uit quod non est inuenf. ¶ Non iacet, q̃a alias
se eſſoñ de seruitio domini regis, scilicet tali
die | et | modo non misit warantum. ¶ Non ia-
cet, quia resum̃ fuit in vltima p̃sentatione,
vel

De Statuto Eborac. 110

vel morte antecessoris. Non iacet, quia talis
nō nominatur in breui. Non iacet, quia preter
fuit viē quod distringat eum venire p terras
et catalla. Non iacet, quia mandat fuit tali
episcopo, quod faceret eum venire. Nō

iacet quia terminus preterijt Et

● sciendū est, quod esset de ser-

uitio domini regis allocā-

tur post magnum cap,

post paruum

Cap, et

post distractiones facias p terras & catalla.

¶ Prerogatiua regis, edit Anno
xvij. Edwardi. ij.

¶ Wardes. 13. Cap. 1.



Dominus rex habebit
custodiam, omniū terrarum
eorū qui de ipso tenent in ca-
pite per seruicium militare,
de quibus ipsi tenentes, fuerūt
lesit in dominico suo vt de feodo, die quo obi-
erunt de quocunq; tenuerint per huiusmodi
seruicium, tum tñ ipsi tenuerint de rege ali-
qd tñ ab antiquo de corona, bñq; ad legiti-
mam etatem heredis exceptis feod archiep̃i
Cantuā, ep̃i Dunelm̃ inter Cline & Celse,
feodis com̃ & baronum de marchia de terris
in marchia vbi breuia dñi regis nō currunt,
& vnde

Prerogatiua regis.

& vnde predicti archiepiscopus, episcopus, comes, & barones, habeant huiusmodi custodiam: licet alibi tenuerint de rege.

¶ Wardes. 14. Cap. 2.

E Item rex habebit maritagium heredum infra etatem & in custodia sua existentium, siue terre heredum eorum unde sint ab antiquo de corona, siue de escaetis, que sunt in manu domini regis, siue habuerint maritagium ratione custodie terrarum dominorum eorum unde heredum, nullo habito respectu ad prioritatem feoffamenti, licet de alijs tenuerint.

¶ Premier seisin. 1. Cap. 3.

E Item rex habebit primam seisinam, post mortem eorum, qui de eo tenent in capite, de omnibus terris & tenementis de quibus ipsi fuerunt seisciti in dominico suo ut de feodis, casuscuq; etatis heredes ipsorum fuerint, capiendo omnes exitus eorum unde terrarum et tenementorum, donec facta fuerit inquisitio, prout moris est, et ceperit homagium huiusmodi heredum.

¶ Women. 1. Cap. 4.

E Item assignabit viduis post mortem virorum suorum, que de eo tenuerint in capite dotem suam que eas contingit &c. licet heredes fuerint plene etatis, si vidue ille voluerint. Et vidue ille ante assignationem dotis sue predictae, siue heredes plene etatis fuerint siue infra etatem, iurabant quod se non maritabunt sine licentia regis. Et si se maritauerint sine licentia regis, tunc rex capiet in manum suam nomine distractionis omnes terras & tenementa

et tefi, que de eo tenent in dotem, donec satisfecerint ad voluntatem domini regis: ita quod ipsa mulier nihil capiet de exit &c. quia | at quousq; | per huiusmodi districtiones huiusmodi mulieres seu viri earum finem faciant regi ad voluntatem suam. Et illa voluntas tempore regi H. patris regis E. estimari consuevit an valentiam predicte dotis per unum annum ad minus nisi vberiozem gratiam habuerint. Mulieres que de rege tenent in capite aliquam hereditatem, iurabunt similiter (cuiuscunq; fuerint etatis) quod se non maritabunt sine licentia regis. Et si fecerint terre et tefi ipsarum eodem modo capiantur in manum dñi regis, quousq; satisfecerint ad voluntatem domini regis. | Magna Charta cap. 7.

¶ Particion. I. Cap. 5.

¶ Et si vna hereditas, que de rege tenetur in capite, descendat pluribus participib; tunc omnes illi heredes faciant homagium regi, et illa hereditas que de rege tenetur, participabitur inter heredes illos, ita quod quilibet eorum extunc partem suam tenebit de rege.

¶ Wardes. 15. Cap 6.

¶ Si mulier ante mortem antecessores sui qui de rege tenet in capite, ante annos nobiles maritata fuerit, tunc rex habebit custodiam corporis illius mulieris vsq; ad etatem, quod consentire possit: & tunc eligat ipsa vtrū maluerit habere virum illum, cui premaritata fuerit vel aliū, quē rex et obtulerit.

¶ Alienacion

Prerogatiua regis.

Alienation without licence. 1. & 2. Cap. 7.

Nullus quide rege tenet in capite per seruitium militare, potest alienare maiorem partem terrarum suarum, ita quod residuum non sufficiat ad faciendum seruitium suum, sine licentia regis. Sed hoc non consuevit intelligi de membris et particulis earundem, terrarum.

De seruantibus alienatis sine licentia regis, consuevit rex arentare huiusmodi seruantias per rationabilem extentam inde faciendam.

Auowson 2. Cap. 8.

De ecclesiis vacantibus, quarum aduocationes spectant ad regem, & alij presentauerint ad easdem, ita quod contentio inter dominum regem et alios oriatur, si rex per considerationem curie presentationem suam recuperauerit licet post lapsum sex mensium a tempore vacationis, nullum occurrit ei tempus, dum tamen rex presentauerit infra tempus sex mensium.

Fooles. 1. Cap. 9.

Rex habebit custodiam terrarum fatuorum naturalium, capiendo exit earundem, sine vasto & destructione, & inueniet eis necessaria sua de cuiuscunque feodo terre ille fuerint. Et post mortem eorum reddat eam rectis heredibus, ita quod nullatenus per eosdem fatuos alienentur, nec quod eorum heredes exheredentur.

Fooles. 2. Cap. 10.

Item rex p[re]s[er]uabit, qu[od] aliquis q[ui] p[ri]us habuerit

habuerit memoriam et intellectum, non fuerit compos mentis sue, sicut quidam sunt per lucida interualla, quod terre et tenementa eiusdem saluo custodiantur: sine basto & destructione et quod ipsi & familia sua de exitibus eorumdem uiuant & sustineant competent, et residuum ultra sustentationem eorumdem rationabiliter custodiatur ad opus ipsorum, liberando eisdem quando memoriam recuperauerint, ita quod predictae terre et tenementa infra predictum tempus nullatenus alienentur: nec rex aliquid de exitu percipiat ad opus suum. Et si obierit in tali statu, tunc illud residuum distribuatur pro anima eiusdem, per consilium ordinarij.

¶ Wreke. 2. Cap. II.

¶ Item rex habebit wreccum maris per totum regnum, balenas, & sturgeones captos in mare vel alibi infra regnum, exceptis quibusdam priuilegiatis locis per reges.

¶ Eschete. I. Cap. 12.

¶ Item habebit eschetas de terris Normannorum, cuiuscumque feodi fuerint, saluo seruitio, quod pertinet ad capitales dominos feodi illius. Et hoc similiter intelligendum est si aliqua hereditas descendat alicui nato in partibus transmarinis, et cuius antecessores fuerunt ad fidem regis Francie ut tempore regis Iohannes, & non ad fidem regis Anglie: sicut contingit de baronia Monumute post mortem Iohannis de Monumute, cuius heredes fuerint de Britania et alibi. De feodis aliorum recupera-

Prerogatiua regis.

recuperavit rex Henricus plures escaetas de terris Normannorum occasione predicta, et eas contulit tenendū de capitalibus dominis feodi per seruitia inde debita et consueta.

¶ Intrusion. I. Cap. 13.

Quando aliquis, qui de rege tenet in capite in fata decedat, & heres eius ingrediatur tenū quod antecessor suus tenuit de rege die quo obiit antequam fecerit homagium regi, & seisinam suam ceperit per regem, tunc nullum accrescit ei liberū tenū. Et si obierit seissitus, idem tempus vxor eius non habebit dotem de tenū illo: sicut contingit de Matilda filia comitis Hereford vxoris Manuelli mariscalci, qui post mortem Wilhelmi mariscalci Anglie fratris sui cepit seisinam castri et manerij de Scrogoill, & obiit in eodem castro, antequam intrasset per regem, & fecisset ei homagium; & vnde concordatum fuit, qđ vxor non haberet dotem, eo qđ vir suus non intrauit p regē vno p intrusionem. Sed hoc non intelligatur de seiscactis alij Socagio & parais tenuris.

¶ Forfayture. 4. Cap. 14.

Item rex habebit escaetas de terris libere tenentium archiepiscoporum, et episcoporum, quando ipsi tenentes damnati sunt p feloniam factam tempore vacationis, dum temporalia eorundem fuerunt in manu domini regis, conferendū cui voluerit imperpetuum: salvo seruitio qđ addictos prelatos inde pertinet & fieri consuevit.

¶ Patents

Prerogatiua regis. fo. 113

¶ Patentes. I. Cap. 15.

Quando Dominus rex dat vel concedit alicui manerium vel terram cum pertinentijs, nisi faciat in charta sua vel scripto expressam mentionem de feodis militum, aduocationibus ecclesiarum, et dotibus cum acciderint, ad predictum manerium vel terram pertinent, tunc his diebus rex reseruat sibi eadem feoda, & aduocat, cum dotibus, licet inter alias personas non fuerint obseruata.

¶ Forfaiture: 5. Cap. 16

Item rex habebit omnia cattalla felonum damnatorum, & fugitiuorum ubicunque fuerint inuenti. Et si ipsi habeant liberos, tunc illud statim capiatur in manum domini regis: et rex habebit omnes exitus eiusdem par vnum annum & vnum diem, & tunc illud vastabitur et destruetur de domibus, boscis & gardinis, & alijs quibuscunque ad predictum tenementum spectant exceptis hominibus quorundam locorum privilegiatorum inde per regem. Et postquam dominus rex habuerit annum, diem, & vastum, tunc reddatur tunc illud capitali domini feodi illius nisi prius faciat finem pro anno. viz & vasso De consp tamen dicitur, quod post annum et diem, terre & tenementa felonum in Gloz, reddentur et reuertentur proximo heredi, cui debuerant discendisse, si feloniam facta non fuisset. Et in hanc in Ganelkinde: The father to the bough, the sonne to the plough. Ibi dem omnes heredes masculi participabunt

¶ Pi. heredis

Magna Assisa.

hereditatem eorum, & similiter femine, sed
femine non participabunt cum masculis.

Et mulier habebit post mortem viri

medietatem pro dote sua. Et si

mulier fornicetur in vidui-

tate, perdet dotem suam,

vel si sit dispensata

viro.

¶ Explicit Privilegium regis.

¶ Incipit statutum de Magna
Assisa iniungendo siue
duello.



¶ Dus deus savoir ou grand
assise se ioint abatayle nyent,
ou bataille se ioint et grand
assise nient, et ou lune ne la u-
ter ne se ioint. Graunde assise
se iointe a bataille nient, leu
vne home vend terre a vne autre per charter
et cell' purchacer vend celle terre onster & nad
nient plus de terre et il rende la charter dōt
il est enfeoffe, vient le heire le p̄mier feof-
four & luy emplede il ne purt my la seisin de-
fendre per le corps son franke home, mes il
se purra mettre en dien et en la graunde as-
sise. Bataille se ioint et graunde assise nient
la ou le voucher est enfeoffe et vouche son
feoffour

feoffour agarē per chart q̄il aū deluy il pur-
 ra dedire la charter p le corps son franke
 home, & la ne gist pas graunde assise mes
 bataille. Auxint graunde assise ne se ioynte,
 nient enter parentes auant que ilz soiēt pas-
 ses le tierce degree la ou ils caliment per
 vn mesme la discent. Mes bataille se iointe
 entre freres la ou lunc est feoffe per charter
 et l'auter clame per discent. Et ou lunc ne
 l'auter ne se ioint nient la ou le demaundant
 clame a tener en franke mariage, ou en frank
 Burgage, ou en franke socage, ou en gavel-
 kinde come en Kent, ou en auter maner come
 si le demaundant demaunde forsque petit
 chose come vne acre de terre ou demy toft ou
 croft, donques per assent des parties, ou per
 agarde des Justices, si poient ilz consenteū
 en vn iurē de bones frankes homes & loy-
 als pur esparer le trauaile et le serement de
 dons chiualers, & ils ferront le sermēt
 sans delay dont ilz dirront boier
 a leur asscient. | Moies le
 vieux nature des b̄es

fo. 1. |

p. 7.

Anno. j. Henrici quintj.

¶ Addition. I.

Cap. 5.



Ltem ordeynes est & establies
que en chescune brieve original
des accions personels ap-
peles, & endictements & en
queux exigendes serra agar^d
que aux nosmes des defen-
daunts en tielx brieses originalz appellees et
endictments soient faitz addition de leur es-
tate ou degree, ou de mestier et les villes ou
hameleton, lieux, & les counties de queux ils
feurent ou sont, ou en queux ils sont ou feu-
rent conuersants. Et li per proces sur les
dits briez originals appelez ou endict en que-
lez ditz additions soient enterlesses, ascuns vt-
lagaries soient pronuncies que ilz soient voi-
des irrites et tenus pur nul. Et que avant
les vtlagaries pronuncies les dits brieses et
endictments soient abatus per exception du
partie p la ou en icell' les dits additions soi-
ent enterlesses. Purveu toutes foitz que
mesqz les dits brieses daccions personels ne
soient accorvantes as recozdes et faits per le
supplusage de additions suisdits, que pur cel
cause ilz ne soient abatus. Et q les clerkes
del chauncellary south q nosmz tielz briez ike-
ront escriptz ne enflessent ne facēt omissiō des
ditz additiōs cōe desuis est dit sur pain destē
punis et fait fine al roy p discreē de le chaū-
celler. Et cōmencera cē ordināce a tenir lieu
al suit de pty de la feast de saint Michael p-
chein ensuant.

Anno.

¶ Forcible entre. 3.

Cap. 9.



Let come per le noble Roy
Richard de nadgairs roy Dē-
gleterre puis le conquest se-
cond a son parliament tenuz
a Westm l'endemain dez al-
mes lan de son Raigne 15 | ca.
2. | entre auters choses ordeines soit & esta-
blyes que les estatutes et ordinaunces faitz &
nient repelles de ceux que sont entrees oue
forte maine et armes en ascunes terres te-
nements ou auters possessions quicunques
et lour teignent eus oue force et armes & de
ceux que sont insurreccionz, riotes, routes,
chiuauchies, et assembles en disturbance de
la peace nostre seignour le Roy ou de la cō-
men ley en affray de son people serroient te-
nus et pleinement et buement executz. Et
ouster ces ordeigne est per mesme lestatute q̃
toutz les foitz que tielz forcibles entrees soi-
ent faitz et pleint ent beigne as Justices du
peace ou ascune deux que mesmes les Justi-
ces ou Justice pzeignent ou pzeigne popar
del countie, & voient ou voise al lieu ou tiel
force soit fait. Et silz trouvent ou troue as-
cuns teignantes tiel lieu forciblement apres
tiel entree fait, soient prises et mises en pro-
cheine gaole a y demurrer conuicte de recozd
de mesmes les Justices ou Justice tanque
ils elent fait fine et ransom au Roy. Et que
touts gents de county sibien viscountz come
P.ij. auters,

Forcible Entre.

autres soient entendantz as ditz Justices et de eux enforcer pur arrester tielz malefaisors sur peine denprisonnement et de faire fine et ransome au Roy. Et que en mesme le maner soit fait de ceux que fount forcibles entrees en benefices ou offices de saint esglises, cōe en mesme lestatute est conteine plus au plein et per taunt que le dit estatute n'extend mye, as entrees en tenementes en peassible maner et apzès teñ oue force; ne si les psons qui entrent oue force, en ascunes terres ou tenements, soient de tout remoues et voides deuant le venue des dites Justice ou Justiē come deuant, ne nul peine ordeine, si le viscounts ne obeye mye les commaundementes et pzepts des dites Justices pur executer lordinaunce suivoit: plusieurs extorcionenses & forcibles entrees sont faitz de iour en autre, en terres et tenements, par ceux que droit nont, & auxy diuers dones feoffements et discontinnances aucune soitz faitz as seignours et autres persones, puillants & extorcioners deins les ditz counties, ou ilz sont conuersantes, pur maintenaunce auoir, et aucune soitz as tielx persons ensy oustes, discontus a tiel entent, pur delaier et defrauder tielx droiturels possessours de leur droit et recouerer, a toutes iours a final disherison de plusieurs des mesmes foialz lieges nre Seignour le roy, et semblable est dencrestre de iour en aut, si due remedy ne soit paruen en cel party. Nostre seignour le roy considerant les premisses ad ordeine que le dit estatute

tute et toutes aus estatutes de tielz entrees
ou alienacions deuant faitz, soient tenus et
duement executes adioustant a icelles, que
desoie en auant, aucune face tiel forcible entree
en terres tenementes ou autres possessions,
ou eux teigne forciblement apres compleint
ent fait deins mesme le countie lou tiel entree
soit fait as Iustices du peage ou a une de
per la partie greue, que les Iustices ou
Iustice ensy garnye, deins temps couenable
facent ou face duement executer le dit esta-
tutes, et ceo as costages de la partye ensy
greue. Et ouster ceo, comment que tiels
persones faisantes tiels entrees, soient pre-
sentes ou voides, deuant le venue des
dits Iustices ou Iustice, maintenant mes-
mes les Iustices ou Iustice, en aucune bon-
ville, plus procheine as tenementes ensy en-
tries, ou en aucune lieu couenable, solonque
leur discrecion, eient et chescune deux eyt
auctorite et poiar denquere per les gentes
de mesme le Countie, aux bien de ceux que
sount tielz forcibles entrees en terres et tene-
mentes, come de ceux que ent teignent oue
force. Et si troue soit deuant aucune de eux
que aucune face le contrarie de cest estatute,
adonqz les ditz Iustices ou Iustice, facent ou
face releiser les frez ou tentes ensy entrees, ou
tenus come deuât, & mettre la pty ensy ouste
en plein poss. de miz les terres ou tenementz
come deuant entrees ou tenus. Et si
aucune persone apres tiel entree en ter-
res ou tenementes tenus oue force, face
D. liij. seoffement,

Forcible Entre.

feoffement, ou auter discontinuance, al ascun seignior ou auter parson pur maintenance auoir, ou par toller et defrauder le possessor de son recouerer en ascune maner, si apres en assise ou auter accion ent estre prise ou pursuer deuant Justices des assises ou autz Justices du Roy quicunque per due enquerer ent appprendre, purra duemēt estre proue mesmes les feoffements et discontinuances estre faits per maintenance, come desuis est dit, que adonques tielz feoffements ou autz discontinuances ensi come deuant faitz soient voides frites et tenus pur nul. Et sur quant les ditz Justices ou Justice, feront tielz enqueres come deuaunt, facent ou face lour garrauntz et preceptes directes as viscount de mesme le Countie, luy commaundant de per le roy de faire venir deuant eul et chescune deux parsones sufficientz et en differentes, pluis procheine demurrants en les tenementz ensy entries, come deuant denquerēt de tielz entries dont chescuneque serē empanel denquerer en celle party, eit terre ou tēnt dānuel value de xl. s. p an au meinz, out les reprises. Et que le viscount retourne issue sur chescune deux a iour de primer precepte retoznable xx. s. et al second iour xl. s. et al tierce soitz C. s. et a chescune iour apz le double. Et si ascune visc ou bailife deins franchise ciant retourne de bē du Roy, soit lathe & ne face ducment exeē des ditz preceptes a luy directes pur tielz enqueres faire, que il soitz fait deūs le Roy xx. li. pur chescune defaute,

faute, et ouf face fine et ransom au Roy. Et
 que auxybien les Justices ou Justice avant
 dits cōe les Justices des assises a lour venir
 en pais, pur assises pprendre, ciet et chescune
 deux eit, poiar doter et finier tiels defautez
 et negligences des dits vicountz et bailifes,
 et chescune deux, auxybien p bille al suite del
 party greue, pur luy mesme, come pur le roye
 a suer, come per enditement appprendre pur l'
 Roy solement. Et si le viscount ou bailife
 soit duement attainit en cel pte p enditement
 ou p bille, que celui que sue pur luy & pur le
 Roy eit vn moity del forfaiture de xx.li. en-
 semblement oue ses costages et expenses: Et
 que mesme le proces soit fait vers tielz enditz
 ou sues per bille en cell' partie sicome serroit
 vers endicts ou sues p bte de trñz oue force
 et armes encontre la peas de nostre seigni-
 our le Roy. Et oustre ceo si aucune persone
 soit ouste ou disseisne de ascuns terres ou te-
 nementes oue forcible maner, ou ouste peasi-
 blement et apst tenus de hozs oue forte main
 et armes, encontre la Justice du peace, ou
 apres tiel entre ascune teoffement ou discon-
 tinuance en ascune maner ent soit fait pur
 defrauder et toller le droit del possesseur,
 que la partie greue en celle partye eyet as-
 sise de nouel disseisne en brieve de Trespas
 vers tiel disseisneur. Et si la party greue
 recouere per assise ou per accion de Trespas
 et troue soit per verdite ou en auter maner
 per due fourme en ley, que la parrty defen-
 daunt entra oue force en terres & tenements

Forcible entre.

5. 28.
ou eux per force apzès son entry tiendz, que
le p^rrecoüera les dām ou treble, vers le de=
fendaunt. Et ouster ceo que il face fine et
ransome au Roie . Et que Maioz Jus=
tices ou Justice, de peace viscountes et bai=
lifes des Cityes & Boroughes, eians frā=
chise. eiant en les ditez Cities, villes, & bo=
roughes autiel poiar de tiels entries ouster
et en auters articles desuisdites emergentes
deins icelles, come ont les Justices du pea^t
et viscountes en counties & pais suisdytes.
Durueu toutes soites, que ceux que gar=
dent per force lour possessions en ascunes
terres ou tenementes dont ils ou lour aun=
cesters, ou ceux queux estare ils ont en ti=
els terres ou tenementes ont conty=
nues lour possessions en icelles, per
trois ans ou plus, ne soy=
ent mpe endām per
force de cell'es=
tatute.

¶ Finis.



Tem le Roy considerant
 les graundes periurpe,
 extorcion et oppzessyon,
 queux sont et ont este en
 cest Roialme per les vis-
 conuts south visconts et
 leur clerkes cozoners, se-
 nelchaues des fraunchises
 bailifes et gardes des prisons et auters of-
 ficers en diuerles counties de cest roialme
 ad ordeine per laucthorite suisoit en eschew-
 ing de tous tielz extorcion periurie et oppzess-
 sion que nult viscont lesse a ferme en aucune
 man son county, ne aucune de les bailifwikez
 hundzedes ne wapentakes, ne q les ditz vis-
 conuts south visc bailifs des franchises, ne auct
 aut bailifes retourne sur auct bte ou pcepte
 a eux direct de retourne ascuns enqtes, en auct
 panel sur ceo destre fait, ascuns bailifwikez offi-
 cers ou seruantz a auct de les officers suisoitz
 en aucune panel p eux issint affaire, ne q nult
 des officers et ministers per occasio ou soubz
 colour de leur office, pzeigne aucune autre
 chose, per eux ne per aucune autre persone
 a leur vse profite ou auait, dascune persone
 per eux ou aucune deux destre arrestus, ou
 attaches, ne de nul autre per eux par la
 lesser dascune arrest ou attachement des-
 tre faites per leur corps, ou dascune per-
 sone per eux ou aucune deux per force ou
 colour

Shriues,

cels de lour office arrestus ou attaches pur
fine fee, serwet del prison mainprise, lessaunce
a baile, ou monstrance ascune ease ou fauour
a ascune tiel person issint arrestus ou areste
pur lour regarde, ou profite, sinon tiel come
ensuit, cestascavoir pur le viscount xx. d. le
bailife que face larrest ou attachement iiij. d.
et le gaoler si la prisoner soit commis a la
garde iiij. d. Et que le viscount, south vis-
count, clerke de viscount, seneschall ou bailife
de fraunchise, seruant ou bailife .ne coroner,
preigne per colour de son offic per luy ne
per ascune auter persone a son vso, dascune
persone pur le faiseur dascune retourne ou
panell ascune chose, et pur le copie dune pa-
nel iiij. d. Et que les dites viscountes et
toutes auters officers et ministers auant-
ditz, lesseront hors de prison, tous maners
des persones per eux ou ascune deux aresti-
ers, ou esteants en lour garde per force dascune
brieffe bille ou garraunt en ascune acci-
on personellz ou per cause d'endictment de
trespas sur reasonable suerty de sufficientes
persones, eians suffisiente deins les coun-
ties lou tiels persones sont issint lesses a
baile ou mainprise de garder lour iours, en
tielz lieux, come les dites brieffs billes ou gar-
rauntz requierent, tiel persone ou persones q
sont ou serront en lour garde per condemna-
cion, execucion, capias vtlagatum, que exco-
municatum, suertie de la pece, et toutes ti-
elz persones que sont ou serront commis a
gard et p especial commaundement dascune
Justice

Justice, et bagarantes, refusâtes de seruire,
 solong la fourme de lestature de Labozers
 tantsolement except. Et que nul viscount, ne
 nul de les officers ou ministres suisdits, pigfi
 ou face de prendze ou faire, aucune obligacion
 per aucune cause suisditez, ou colour de lour
 office, Unon tantsolement a lour mesmes, dals-
 cune person ne per aucune persone, que soit
 en lour garde, per le cours de la ley forsque
 sur le nosme de lour office, & sur condicio es-
 crie, que les ditez prisonis, appergeront a le-
 iour content en les ditz bres billes ou gar-
 rant eit en tielz lieux ou les ditez bres bilz ou
 garre requierrez. Et si aucune des ditz viscounts
 ou autz officers ou ministres suisdits, pigne
 aucun obligacion en aut fourme, p colour de
 lour offices, que il soit void, & q il ne preigne
 plus par le felance d'aucune tiel obligac gar-
 rant ou precept p eux destre fait fors qz iij. 5
 Et auxint que chescune de les ditz viscountz
 face annuelment un depute en les courtz dus
 roy de la chauncery, le banke et leschequer de
 recozd, deuant que ilz retournent ascuns bres
 de Rescepsi toutz maners des bres et garrants
 a eux destre deliueres. Et q toutz viscountz
 viscountz, clerkz, bailifes, gaolers, coroners
 seneschalz, bailifes des fraunchises ou aucune
 auters officers ou administrators qur fount le
 contrary de cest ordonnance en asc point dicell
 pde al pty en ycell endam ou greue les tre-
 bles dam et forsaft la somme de xl. li. a ches-
 teps q eux ou dals deux sont le contrarie di-
 cell, en asc point dicell. Dont le Roie dauer
 lune

Shriues.

lune moitie, ceo destte employes al vse de son
hostiel, et en nul aut maner, & la party q̄ ces
doet suer laut moity. Et que les Justices
des assises en lour Sessions, Justice de luth
bank et de lauter, & Justice de peace en lour
pais, etant poiar denquerer oier & termin del
office sans especial commission, du & sur toutz^o
pceux que ferrent le contrary dicestz ordina-
ces en ascie article ou point dicell. Et si les
ditz viscountz retournent sur aucune persō ce-
pi corpus, ou reddidit se, que ilz soiēt charge-
ables daver les corps des ditz persons a les
iours des retournes des ditz briefes, bylles
ou garrantz, en tiel fourme come ils feurent
deuant la sesance de cest acte. Purueu tous
foitz que per cest present ordinaunce le gar-
deine del gaole du Roy de Fleete, et del Bas-
leis du Roy a westm, pur le temps esteant
ne soit endam ne pzeiudice en son dui-
tye de son office, et auxint que cest
ordinaunce commencera al feast
de Pasche que serra en lan
de nostre Seignior

1446.

Item where it was ordeined in the time of king Edward the first, by the statut de finibus, that notes & fines to be leuied in the kinges court afoze his Iustices, should bee openly and solempnely reade. And that plects in the meane time should cease. And this to be done by ij. daies in the weeke, after the discrecion of the Iustices, as in the saide statute moze plainly appeareth. Vide statutū de finibus leuatis 27. E.1. fines 1. befoze anno. 34. E.3. cap. 6. fines 4. | The kinge our soueraigne Lord, considereth that fines oughte to be of the greatest strength to auoide strifes and debates, and to the finall ende and conclusion, & of suche effecte were taken, afoze a statute made of none clayme, and now is vsed the contrary, to the vniuersal trouble of the kinges subiectes, wil therefore it be ordeined, by the aduise of the lordes spirituall and temporall, and the commons in the said parliament assembled, and by auctorithy of the same, that after the ingrossing of euery fine to be leuied, after the feaste of Easter, that shalbe in the yeare of our lord. 1490. in the kinges courte, afoze his Iustices of the common plects, of any landes tenementes or anye other hereditamentes, the same fine be openly & solempnely read & proclaimed in the same courte the same terme, and

Fines.

and in thzee termes than next folowing the same ingrossing in the same courte, at fower severall daies in every terme. And in the same time that ti is so red & proclaimed all plects to cease. And the saide proclamations so had and made, the fine to be final ende and conclude, as wel priueys as cstraungers to the same, except women couert, other than beene parties to the saide fine, and every person than beeing within age of xxi. yeres, in prison, or out of this realme, or not of whole mind, at the time of the said fine leued nor parties to such fine And saving to every pson or persons and to their heires, other than the parties in the saide fine, such righte clayme and interest, as they haue to or in the sayds landes, tenementes, or other hereditaments, time of such fine ingrossed. So that they pursue theire title, claime or interest, by way of accion or lawfull entre, within fyue yeres nexte after the saide proclamacions had and made. And also saving to all other persons, such accion, right, title, claime and interest, in or to the saide landes, tenementes, or other hereditamentes as first shal growe, remaine, or discende, or come to them after the saide fine ingrossed and proclamacion made, by force of anye gifte in the talle, or by anye other cause or matter, had and made before the saide fine leued, so that they take their accion, or pursue their saide righte and tytle according to the lawe within fyue yeres next after suche accion, righte, clayme, tytle or interest

interest to them accrued, descended, fallen, or come, and that the saide persones and their heires may haue their saide action, agaynst the pernour of the profits of the said landes and tenementes and other hereditamentes, time of the said action to be taken, and if the same persones at time of suche action, right and title accrued, descended, remained, or come vnto them, bee conuert baron or within age, in prison, or out of this lande, or not of whole minde: That then it is ordeined by the saide aucthoritie, that their action, right and title to bee reserved and saued to them and to their heires, vnto the time they come and be at their full age of .xvi. yeares, out of prison within this lande, vncouert, & of whole mind, so y they or their heires take their saide actions, or their lawfull entre, according to their right and title, within fyue yerres next after that they come & bee at their full age out of prison, within this lande vncouert and of whole minde. And the same actions pursue, or other lawfull entre take, according to the lawe. And also it is ordeined by the aucthoritie aforesaid, that al such persones as be conuert de baron, not party to the fine, and every person being within age of .xvi. yerres, in prison or out of this lande, or not of whole minde at time of the saide fines leued and engrossed, and by this said acte afoze except, hauing any right or title, or cause of action, to any of the said landes and other hereditamentes, that they or their heires

Fines.

inheritable to the same take their saide actions or lawful entre, according to their right and title, within .v. yerres next after they es- and be of age of .xxi. yerres, out of prison, vn- couert, within this land, and of whole mind and the same actions sue, or their lawful en- tre take & pursue according to the law. And if they do and take not their actions & entre ns is aforesaide, that they and euery of them and their heires, & the heires of euery of the be concluded by the saide fines for ever, in like forme as they bene & ben parties or pri- uies to the saide fines. Saving to enery p- son or personnes, not party nor priuie to the saide fine, their exception to auoide the same fine, by that that those [that] were parties to the fine, nor any of them, nor no persō, nor psons to their vse, ne to the vse of any of the had nothing in the landes & tenements com- prised in the said fine at the time of the saide fine leuied. And it is ordeined by the saide auctoritie, that euery fine that hereafter shalbe leuied in any of the kinges courtes, of any manors, landes tenementes, and other possessions, after the maner, vse and fourme that fines haue bene leuied afore the making of this act, be of like force, effect and auctho- ritie, as fines so leuied bee or were afore the making of this acte, this acte or anye other acte in this saide parliament made or to bee made, notwithstanding. And euery person be at his liberty, to leuye any fine hereafter, after his pleasure, whether he will after the
fourme

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and a right
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women.

For certaine reasonable considerations be it ordeined, enacted & established, by the king our souereign lord, and by the assent of the lordes spirituall and tempozall, and the commons in this present parliament assembled, and by aucthoritie of the same, that if any woman whiche hath had, or hereafter shal haue, any estate in dower, or for terme of life, or in taile jointly with her husbande, or onely to her selfe or to her yle, in any manors, lands tenementes, or other hereditaments, of the inheritauce or purchase of her husbande, or geuen to the saide husbande and wife in taile or for terme of life, by any of the auncesters of the saide husbande, or by any other person sealed to the yle of the saide husbande, or of his auncesters, and haue or shall hereafter being sole, or with anye other after taken husbande, dyscontinued or discontinue, alpened, released, or confirmed, alpyene, release or confirme, wyth warraunty, or by couyn suffred or suffer anye recouerye of the sauei, agaynst them or anye of them

३५.

92 317

lo pie/ del bayon oft t^o p^o mio p^ont on p^ont on t^o
de l^o com^ont fino al v^o del bayon q^o p^omo d^o r^oo
del ann^o del l^o t^o d^o r^oo

Do in favor
of the
same & by
the way
on & after
the 1st of
on the 1st

Women.

23.
oz any other sealed to their vse, oz to the vse
of either of them, after the fourme aforesaid,
that all suche recoveries, discontinuances,
alienations, releases, confirmacions & war-
ranties, so had and made, & from henceforth
to be had and made, be vtterly void and of
none effect. And that it shalbe lesfull to eu-
ry person and persons, to whom the interest
title oz inheritauce after the decease of the
said women of the said manors, landes and
tenementes oz other hereditamentes, beyng
discontinued, aliened oz suffered to be recou-
red after the first day of December next co-
ming, in the fourme aforesaide should apper-
taine, to entre into all and euery of the pre-
misses, and peasibly to possesse and enioy
the same, in such maner and fourme as he oz
they should haue done, if no suche disconty-
nuance, warranty, noz recovery had bee had
noz made. And ouer this be it ordeined and
enacted by the saide auctoritie, that if anye
of the saide husbandes and women, oz anye
other sealed, oz that shal be sealed to the vse
of them, of the estate afoze specified, after the
saide first day of Decēber, do make oz cause
to be made, oz suffer any such discontinuance
alienations, warraunties, oz recoveries in
fourme aforesaide, that then it shalbee lesfull
to the person oz persons, to whom the sayde
tenementes should oz ought to belong after
the decease of the said woman, to entre into
the same, and them to possede and enioy, ac-
cording to such title & interest, as they shold
haue

haue had in the same, if the same womā had ben dead, no discontinuance nor recoveries had, as against the said husbāde during his life, if the saide discontinuance, alienation, warranties and recoveries be hereafter had by or against the same husbādes and womē during the couerture and espōsel betwixt thē

¶ Provided alway that the sayde women, after the decease of their saide husband, man reentre into the manors, landes and tenements, and them to enioy according to their first estate in the same. And ouer this bee ordeined and enacted by the saide aucthority that if the saide women at the time of suche discontinuance, alienaciōs, recoveries, warranties, after the saide first day of December, in fourme aforesaide to bee had & made of any of the premisses be sole, that then shee shalbee barred and excluded of her title and interest in the same from thenceforth, & that the person and persons to whom the title interest and possession of the same shoulde belong after the decease of the saide women, shall immediately after the saide discontinuance, alienations, warranties and recoveries, enter into the same manors, landes, tenementes and other hereditamentes, & them to possede and enioy according to his or their title in the same. ¶ Provided also that this act extende not to auoide any recovery, discontinuance or warrantie after the forme aforesaide, afoze this time had made or suffred, but onely where the saide husband & womā,

Women.

or eyther of them nowe beyng alyue, or any other to their vse, now haue interest and tytle to the sayde manours, landes, tenemētis or other hereditamentes alpyened, dyscontynued, or suffered to bee recouered after the fourme aforesaide, and thereof now, taking the issues and profites, or anye other personne or personnes to their vse. And ordeined also that this act extende not to any such dyscontinuaunce, or dyscontinuaunce to be had with heires next inheritable to the saide woman, or hee or they that next after the death of the same woman should haue estate of inheritance in the same manours, landes or tenements, bee assentynge or agreable to the saide recoueries, where the same assent and agreement be of recorde or inrolled. And ordeined also that it shalbe lesfull to everye suche woman beinge sole or married, after the death of her first husbände, to geue, sell or make dyscontinuaunce of any such landes terme of her life onely, after the course and vse of the common lawe before the making of this present acte.

Can

An acte concerning actions populer and statutes penall. An. 7. H. 8. Cap. 3.

Accions populer. 3.



Where diuers and manye penall statutes and ordinaunces haue bin made & ordeined, some wher= by the punishments ge= uen onelye to the kynge our soueraigne Lord, his heires and successeurs by action, writte, bill inditement, or infor= macion, and some wher by the king by him selfe, anye other common person for the king or for him selfe onelye, may sue by writ, bill, inditement, or infor= macion against the offender or offenders in that behalf, and because of long tract of time and for sparing of the suite therof, and that then after suche long tract of time diuers & many of the kings true subiect haue bene in time passed vexed and troubled for the penaltees contained in the saide statutes and ordinaunces, moze for malice then for Justice, whereupon periuries haue esued, to y great trouble & vexation of the kings true subiects their heires & executours, being ignorant of the said statutes & offences, wherfore, & for the tender loue & zeale that our soueraigne lord the king beareth to his said lauing subiects, & at their humble desire. Vz it enacted ordeined and established by his highnes, and by the assent of the lords spiritual & tēporal,

¶.iiij.

and

Action populer.

and the commons in this present parliamēt assembled, and by the aucthoritie of the same that all and singuler suche actions, suites, billes, indictementes, or informacions, as frō the .xx. day of the moneth of Nouember the .vij. yere of our saide souereigne lozdes reigne shalbee commenced, taken, sued, had, or made, only for any debt, moueable goods or cattailles forfaited and lost, or to bee forfaited or lost, whereunto the king onely, hys heires or successours, and none other common person, shal or may be entitled by reaso of the saide penall statutes or anye of them, shalbe commenced, sued, taken, or had with in fower yeres next after the offence or offences, forfaiture or forfaitures, of or for the same, had or made against the ordinaunce & prouision of any suche acte or actes, statute or statutes penall, and not after the saide fower yeres. And that for any offence or forfaiture made or had, or to be made or had against the ordinaunce and prouision of anye acte or actes penall, made and ordeined, or to be made and ordeigned, wherby action, suite bille, or information populer is or shall bee geuen to any personne or personnes, suche as wil sue for the kinge and for him or them selfe, or onely for him or them selfe, that suche accion, bill, suite, or information bee commenced, sued, had and made, by such persone or persones, other then the king, as wil sue in that behalfe, within one yere next after the offence or forfaiture had made or committed

committed against the ordinaunce and prouision of any suche acte or actes penall, and not after the said yere ended. And that the kinges suite by writte, bille, playnt, enditement, or information on that behalfe, be commenced, sued, had or made within two yerres next after the offence or forfaiture made or had against the prouision and ordinaunce of any acte or actes, statute or statutes penall, and not after the said two yerres: And if any action, suite, bill, inditement, or informacion, concerning the foresaide statutes, or anye of them, be had or made otherwise, the within the time or times limited, as is aforesaid, that then the same action, suite, bill, inditement, and informacion, and euerye of them commenced, sued, had or made for the sayde offence or offences, forfaiture or forfaitures, shalbe void and of no force ne effecte, anye acte or actes statute or statutes made to the contrary notwithstanding.

Provided alway, that where any action, informacion, or inditement, is limited by any statute, to bee had, made or taken within shorter time or times, then as is afoze reherfed, that it be had, made and taken according to the time limited in that estatute.

Can

Recoveries.

An acte concerning aduowries for rents
and seruices. Anno, 7. H. 8. Cap. 4.
Recoveries. I.

VVhere as diuers, aswell noble men
as other the kings subiectes, haue
suffred recoveryes agaynst them
of diuers their manours, lordships, landes,
and tenementes, for the persourmaunce of
their willes, or for the suertie of their wiues
iointours, or for the ioyntour of sonnes and
heires apparaunt and their wiues, or for a-
ny other personne or personnes accordyng to
their couenantes and agrementes, and those
persones that so haue recovered the sayde
manours by the course of the common law,
had no remedy nor may haue, to compel the
fermour, freholders and tenauntes, whiche
helde of the same manours by the rents ser-
uices or customes, to attourne to them, nor
coude by the order of the lawe atteine to the
rents, seruices, or customes (if they were de-
nied) by distresse or action, withoute they
could once attein to the possessiō of the same
rentes, seruices and customes by payyng or
doyng the saide rents seruices, or customes
by the same freholders, fermors and tenāts,
which to do, diuers and many of them haue
oftentimes refused, & yet do, to the great of-
fence and charge of their conscience, not one-
ly to the disheritāce of y^e said recoverers, but
also in breaking of y^e last willes of thē agaynst
whom

Whō such recovery is had: & also to the dis-
 heritance of the said husband, wiues & other
 to whose vse the same recoverie was so had
 Also if there were any aduowson appendāt
 to any of the said manours, the same aduow-
 son had fallen boide, & a straunger had pre-
 sented, & said recoverers, noz they, to whose
 vse the same recoveries were had, had no
 remedy for the same disturbance, & sometime
 therby they haue ben disenherited. Be it ther-
 fore enacted by this present parliament, and
 by the aucthoritie of the same, that the reco-
 uerers in all such recoveries, their heirs and
 all assignes, may from henceforth distreigne
 for the foresaid rents seruices, and customes
 so being due and vnpaid, and make auowry
 or iustify the same, as those persons, against
 whom the said recovery is, should haue done
 if the said recovery had not been had, and al-
 so haue like remedy for the recovering of the
 said rent seruices, and customes by auowry,
 and also: Quare impedit for the said aduow-
 son, if any disturbāce be made, as those per-
 sons, against whom the said recoveries were
 had, might or shold haue had, by y^e course of
 y^e cōmō law befoze y^e said reco^y if any such
 rents seruices, or customes had been denyed
 thē, or any such disturbance had been had in
 their times. And also that euery auowāt, &
 euery other person or persones that maketh
 auowrie, conisaunce or knowledge, or iusty-
 fie as bailly, to any other person or persons,
 in any Replegiary: secōd deliuerāce. for any
 tēt, custōe or seruice, if their auowry, conisāz
 or

Recoueries.

oz iustification be found for them oz & plain-
tifes in the saide actions other wise barred,
shall recouer their damages and costes that
they haue susteyned, as the plaintife shoulde
haue done, if they had recovered in the saide
repleuins. | Se after Anno. 21. H. 8. ca. 19.
Quowzie. 1.

¶ Assise.

¶ An acte concerning Abridgements of plaintes in
Assise. Anno. 21. H. 8. cap. 3, Assise. 17.



Esasynche as assises whiche
haue been thought the moſte
ſpedy remedy, be now by occa-
ſion of pleding of many barres
to moities, and partes, of the
landes put in vieu and plaint, greatly de-
laied, for difficulties and diuſion of pleding
And one cauſe thereof is, becauſe the playn-
tifes in the aſſiſe in ſuche pleges, to moities,
and partes, can not by the law abridge their
plaintes, for remedy wherof, be it enacted
that the plaintife in euery aſſiſe from hence-
forth, may at his pleaſure, ſeuer and abridge
hys playnt, of any parte oz partes where-
unto any barre is pleaded, in ſuche like ma-
ner, as he oz they might do, in caſe the pleges
in barre had bee made and deuſided, to anye
certeintie oz number of acres in the plainte,
& that the plaint for the reſidue of the parte
oz

Spirituell, persones. 127

oz parts of the landes not abridged, shalbe & stand good & effectuell in the lawe.

¶ Spirituell persones.

- ¶ An acte against pluralities of benefices, for taking of termes by spiritual men, and for residence. An. 21. H. 8. Cap. 13.

Residence. 2.



Et the moze quiet and vertuous increafe and mainteynauce of diuine service, the preaching and teaching the sword of God, with godly & good example geuing, the better discharge of curates, the maintenaunce of hospitalitie, the reliefe of pooze people, the encrease of deuocion, and good opinion of the lay see towarde the spiritual persons: Be it enacted, ordeined and established by & kyng our soueraigne lord, with the assent of the lordes spirituall and tempozall, and the commons in this present parlyament assembled and by aucthozitie of the same, that no spiritual person, seculer oz regular, of what degree so euer he oz they bee, shal from henceforth take to ferme to him selfe oz to anye persone oz personnes to his vse, of the lease oz graunt of the king our soueraigne lord, nor of any other persō oz persons, by letters patents, endentures, writings, by sword, or other

Spirituell persons,

otherwise, by any maner of meanes, any manours, landes, tenementes, or other hereditamentes for terme of life, for terme of yeeres, or at will, vpon paine to forsaite tenn pound for euery moneth that he or any other to his vse shall occupie any suche ferme, by reason of any such lease or graunte hereafter to be made. The one halfe of whiche forsayture to bee to the king our soueraigne lord, and the other halfe therof to euery such person as will sue for the same by original writt bill or plaint of debt, or by any information in any of the kings courtes: in which action and suite no wager of lawe shalbe admitted for the defendand, nor any essoine or protection allowed.

¶ And be it also enacted by the auctority aforesaid, that all & euery such spiritual person or persons, which now haue or occupie in ferme by them self or by any other to their vse, any manours, lands, tenementes, or hereditamentes, of the lease, or graunte of the king our soueraigne lord, or any other person or persones, for terme of life or for yeeres or at will, by any writing or otherwise, or that now haue any annuall rentes, or other annuall aduantage or profite, by occasion or colour of any such lease or ferme, shal clerely bargain sell, geue or graunte awaye on this side the feast of saint Michell the Archangel next comming to any suche lay person or persones, as they will at their owne nominacions and appointmēt all such lease, ferme

Spiritual persones. 128

terme, interest, and profite as any such spiritual person, or any other to his vse nowe hath or haue, in, or by reaso of any such ferme so that in no wise any suche spiritual person or persons at any time after the same feast, by them selfe or any other to their vse by any maner of meanes, fraud or male engine, shall haue, vse, or occupie in ferme, any manours, landes, tenementes or hereditaments, of the demise, lease or grante of any person or persons heretofore made, or hereafter to be made, to them selfe or to any other to their vles: nor from the said feast shall take any annuall rent or other annuall aduantage or profite, by occasion or colour of anye suche lease or ferme by anye maner of meanes, vpon paine to forfait for euery moneth so occupying anye suche ferme, at any time after the said feast contrarie to this present act, tenne pounde, and vpon paine to forfait tenne tymes as muche as anye suche spiritual person or any to his vse, shall teke in anye annuall rent, aduantage or profit, by occasion or colour of any such lease at any time after the said feast. The one halfe of whiche forfeitures to be to the kynge oure soueraigne lord, and the other halfe to hym that wyl sue for the same by original writte, bylle, or plapnte of debte, or by informacion in any of the kynges courtes, in whiche action and suite no wager of lawe shalbee admitted for the defendant, nor any essoine or protection allowed.

¶ And

Spiritual persons,

¶ And be it also enacted that all such leases made or hereafter to be made vnto any suche spiritual person or persons, or to anye other to their vse, for terme of life, terme of yeres, or at will, of any manours, lands, tenements or hereditaments, wherof they or any of them shal take any profyt, or medling, by them selfe or by any to their vse, after the saide feast of saint Michell, by colour of any suche lesse or graunt, (and not by them bargained, graunted, and sold as may befoze the saide feast, as is befoze limited) shall from thenceforth be vtterly boide and of none effecte, as well against the lessour or lessours grauntour or grauntours, their heires and assignes, and against euery of them, as against the lessee or lessees, and their executors & assignes, & euery of them.

¶ Provided alway that this present acte shall not extende to any spiritual person or persons, in, and for taking to ferme, any tēporalties, duringe the time of vacations, of any archebishopricks, bishopricks, abbeyes, priories, or other collegial, cathedrall, or conuentuall churches, nor to any spiritual person or persons, that shall tende or make anye trauers vpō any offices or office, cōcerning his or their freeholde.

¶ And be it also enacted by the aucthority aforesaid, that no spiritual person or persons secular or regular, of what estate or degree soeuer they be, shal from henceforth by him self, nor by any other for him, nor to his vse, bargain

Spiritual persons. fo129

bargaine and buy to sell againe for any lucre
gaine, or profite, in anye markets, faires, or
other places, any maner of cattelles, cozne,
leade, tinne, hides, lether, tallow, fishe, wolle,
wood, or any maner of vittaille, or marchan-
dise, what kinde so euer they be of, vpon pain
to forfait treble the value of euery thing by
them, or by any to their vse bargained and
bought to sell againe contrarie to this prelat
acte. And that euery such bargaine and con-
tract hereafter to be made by them, or by any
to their vse contrarie to this acte, shall bee
utterly void and of none effect. And the one
halfe of euery such forfeiture to be to y^e king
our soueraign lord, and the other halfe to him
y^e wil sue for y^e same by original writ of debt
bil, plaint, or informacion, in any of the kings
courtes: In which action or suite no wager
of lawe for the defendanthe shall be admitted
nor any essone nor protection allowed.

C Provedd alwaye, that if any such spiri-
tual person or persons, shall happen hereafter
without fraude or couine to buy any horses
mares, or meyles to the onely intent to occu-
pye for him selfe or his seruants, to ride to
and fro, vpon his necessary busines, or anye
other cattels or goobes to the onely intente
and purpose at the buying thereof to be em-
ployed and put in, and about his necessarye
apparel of his owne house, or of his persons
and seruantes, or in, for and about the onely
occupping, manuring, or tillage of his owne
glebe or demeaned landes annexed to his
church

R. j.

church

Spiritual persons,

churche, or for the necessary expenses of his owne housholde keeping. And after the buying of any such horses, cattels, or goodes, or exercise of them or anye of them, happeneth to mislike any of them, that they shoulde not be good, profitable nor conuenient for any of the purposes aboue saide, for the which they were bought, that then euery such spiritual person or persons may lawfully bargain and put away such thinges so by him bought, without fraude or conine for any of the purposes aboue saide, at his pleasure and aduantage this acte or any thing therein contained notwithstanding.

¶ Provided alway, that al abbotes, priours, abbesses, prioresses, prouostes, presydenes, masters of colleges and hospitalles, and all other spiritual gouernours, and gouernesses of anye spirituall monasteries or houses of religion, by what name or names soeuer they be called, hauing manours lands and tenementes, hereditamentes, and other perely profits, in the righte of their monasteries or houses, of the perely value of viij. **℥**. markes, or vnder, and not aboue, may vse and occuppe as much and as many of theyr demeane landes, fee fermes, and fermes to their most aduantage commodity and profite to and for the onelye maintenaunce of their householdes, and hospitalities, in as ample & as large maner as they or any of them, or their predecessours, or the predecessours of any of the, at any time by the space of one **℥**. yeres

Spiritual persons. fo130

peres last past, befoze the making of this act
haue done, vsed, & occupied. Any thinge in
this present acte to y^e contrary notwithstanding.

C Provided also, that euery other spiritual
person and persones, not hauinge sufficient
glebe or demesne landes in their owne han-
des, in the righte of their churches, monas-
teries, and houses for pasturage of cattelles,
or for increase of cornes, to and for the onely
expenses of their householdes, or for their
carriages and iourneis, may take in ferme o-
ther landes, and buy and sell corne and cat-
tell for the onely manurance, tillage, and pa-
sturage of such fermes, so that the increase
therof be alwaies employed and put to, and
for the onely expenses in their householdes &
hospitalities, and not in anye wise to buye
and sell againe, for anye other commoditie,
lucre, or aduantage anye corne or cattel, re-
newing, comming, or growing, in and vpon
any such ferme or otherwise, but onely the
remaines & ouer plus about their expenses of
their householdes, if any suche shall happen
to the breed and encrease thereof, without
fraude or couine. Any thinge in this present
acte to the contrarie hereof notwithstanding.

And be it enacted by the aucthority afoze
said, that if any person or persons hauing one
benefice with cure of soule, being of y^e perely
value of viij. pounce or aboue, accepte and
take any other with cure of soule, and be in-
stituted and inducted in possession of y^e same
that

Spiritual persons, 197

that then and immediately after such possession had thereof, the first benefice shalbe adjudged in the lawe to be void. And that it shal be lawfull to every patron, having the avowson thereof, to present another, and the presentee to have the benefite of the same, in such like maner and forme as though the incumbent had died or resigned, any licence, union, or other dispensacion to the contrary hereof obtained not withstanding.

¶ And that every such licence, union, or dispensacion had, or hereafter to be obtained contrary to this present acte, of what name or names, qualitie or qualities so ever they be, shal be utterly void and of none effecte. And if any person or persones at any tyme after the first day of Aprill, in the yere of our lord god. M. v. C. and xxx. contrary to this present acte, procure and obtaine at the court of Rome, or els where, any licence or licences union, tolleracion, or dispensacion, to receive and take, any moe benefices with cure, than is above limited, or els at any time after the the laide day put in execution any such licence tolleracion, or dispensacion, before that obtained contrary to this acte, that then everie such person or persones, so after the said daye suing for himselfe, or receiving and takinge such benefice by force of suche licence or licences, union, tolleracion, or dispensacion, that is to say, the same person or persons only and none other, shal for every such default, incurre the daunger, peine, and penaltye of

Spiritual persons. fo. 131

xx.li. sterlinge. And also lose the whole profits of euery suche benefice or benefices, as he receiueth or taketh by force of any suche licence or licences, vniou, tolleracion, or dispensacion. The one halfe of which forfaiture to be to the kinge our soueraigne lord, and the other halfe thereof to him that wil sue for the same by originall writte, byll, plaint, of dette, or informacion in anye of the kinges courtes, in which accion and suite no wager of lawe, essoine, or proteccion for the defendant shal be admitted or allowed.

¶ Provided alwaies, that this acte concerninge the not keping of moe benefices with cure of soule than one, extend ne be prejudicial to any person or persones, which at any time before the laide first daye of Aprill, in the yere of our Lorde god M. v. C. and xxx. shal be really intituled or possessed of any such benefices with cure of soule, as concernynge or touching any of the same benefices, wher of they shall than be al readye really intituled or possessed before the laide day, to or vnder the number of iij. and not aboue, and if any such spiritual person or persons so being intituled or possessed of moe benefices with cure of soule than iij. do not by the said first day of Aprill clerely and without verely pension resigne or otherwise geue by all and enerye such benefices and benefice as he shal be so entitled and possessed of, aboue the said number, that then it shal be lesul for euery patron hauing the aduowson of any suche be-

181.02 Spiritual persons.

nesite of the same in like maner and fourme as thoughe it had be void by deathe or resignacion of the incumbent, any licence, vniõn, or other dispensacion to the contrary hereof obtained notwithstanding. And this clause of presentacion to bee taken and vnderstanden, and of such benefices with cure of soule, as were geuen to any such spiritual persons after the saide number of iij. benefices with cure furnished and fulfilled.

¶ Prohibited also, that all spiritual men now beinge, or whiche hereafter shall bee of the kings counsaile, may purchase licence or dispensacion, and take, receiue, and kepe three personages or benefices with cure of soule, & that al other being the kings chapleines, & not sworne of his counsaile, the chapleins of the queene, prince or princesse, or of any the kings childe, brotherne, sisters, vncles, or auncles, may semblabye purchase licence, or dispensacion, and receiue and kepe two personages or benefices with cure of soule. And in likewise that euery archbishoppe and duke may haue vi. chapleines, wherof euery one shal and may purchase licence, or dispensacion, and take, receiue, and kepe two personages or benefices with cure of soule, and that euery marques and earle may haue five chapleines, wherof euery one may purchase licence or dispensacion, and take, receiue, and kepe two personages or benefices with cure of soule. And that euery viscount and other bishoppe, may haue fower chapleins, wher-
of

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of euery one may purchase licence, and receiue, haue, and kepe two personages or benefices with cure of soule, as is aforesayde. And that the chauncellour of England for the time being, and euery baron and knight of the Garter, maye haue thre chapleines, whereof euery one shal now purchase licence or dispensacion, and receiue, haue, and kepe two personages or benefices with cure of soule. And that euery duchesse, marques, countesse, & baronesse, being widowes, may haue ii chapleines, whereof euery one of the may purchase licence or dispensacion to receiue, haue, and kepe, two benefices with cure of soule, and that the treasurer & controller of the kings house, the kings secretary, & deane of his chappell, the kings almoner, & the master of his rolles, may haue euery of them two chapleines, and the chiefe Justice of the kings benche one chapleine, and the warden of the five portes for the tyme being, one chapleine, whereof euery one may purchase licence, and receiue, haue and kepe two personages or benefices with cure of soule. And that the bretherne and sonnes of all temporall lordes, which are bozne in wedlocke, maye euerye of them purchase licence or dispensacion, and receiue, haue and kepe as manie personages or benefices with cure, as the chapleynes of a duke or an archbishoppe. And likewise the bretherne and sonnes bozne in wedlocke of euerye knight, maye euery of them purchase

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licence or dispensacion, and receiue take and kepe, two personages or benefices with cure of soule.

¶ It is also provided al wayes, that the saide chapleines so purchasing, taking, receiuinge and keepinge, benefices with cure of soule as is aforesaide, shal be bounde to haue and exhibite where neede shall bee, letters vnder the signe and seale of the king, or other their lord and master, testifying whose chapleines they be, and els not to enioye any such pluralitie of benefices by such chapleine Any thing in this acte notwithstanding.

¶ Be it also provided that al doctours and bachelers of diuinitie, doctours of lawe, and bachelers of lawe canon, and euery of them which shal be admitted to anye the saide degrees, by anye of the vniuersities of this Realme, and not by grace onely, maye purchase licence, and take, haue, and kepe two personages or benefices with cure of soule so that alwaies the saide libertie by anye of the prouisions befoze saide geuen to anye of the saide counsaillours, chapleines, and other persones befoze specified, to purchase licence or dispensacion, and take, receiue, and kepe, no benefices than one, after the maner and fourme aforesaide, betaken and vnderstanden to extende in number to no more benefices with cure of soule, than is aboue limited, accomptinge in the same and as parcell thereof, such benefices with cure of soule, as any of the said persones shal haue in real title

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oz in theire possession, at the saide first day of April, in the yere of our lord God M.v.C. and xxx.

¶ Provided also, that every Archebishop, because he must occupie vij. chapleines at consecrations of bishoppes. And every Bishoppe because he must occupie vi. chapleines at geving of orders and consecration of churches, may enerye of them have ij. chapleines ouer and aboue the number aboue limited vnto them, wherof every one may purchase licence oz dispensacion, and take receiue and kepe as many personages & benefices with cure of soule, as is befoze assigned to suche chapleins.

¶ Provided also, and be it enacted by auctorite afoze said, that no person oz persons to whom any number of chapleins oz anye chapleine by any of the prouisions afozesaid is limited, shal in any wise, by colour of any of the same prouisions, auauce any spirituall person oz persons, aboue the number to them appointed, to receiue oz kepe anye more benefices with cure of soule, than is aboue limited by this acte, any thinge specified in the saide prouisions notwithstanding, and if they doe, than every such spiritual persone and persons, so auauced aboue the said number, to incurre the peine and penalty contayned in this acte.

¶ Be it also furthermore enacted by the auctoritie afozesaid, that as wel every spiritual person now beinge promoted to anye arch=

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archedeconry, deanry, or dignitie in any monasterie or cathedral church, or other church conuentual or collegiall, or beinge beneficed with any personage or vicarage, as all and euery spirituall person & persones, whiche hereafter shal be promoted to any of the said dignities, or benefices, with any personage or vicarage from the feast of saint Michell the archangel next comminge, shal be personally resident and abiding in, at and vppon his saide dignitie, prebende, or benefice, or at one of them at the least. And in case any such spiritual persone at anye time after the saide feast, kepe not residence at one of his said dignities, prebende, or benefices, as is aforesaid but absent him selfe wilfully by the space of one moneth together, or by the space of two monethes, to be accompted at seuerall times in any one yere, and make his residence and abidinge in any other places, by such tyme, that than he shal forsaite for euerye suche default x. li. sterling. The one halfe thereof to the king our soueraigne lord, and the other halfe of the same to the partie that will sue for the same in any of the kinges courtes by original writte of debte, bil, plaint, or information. In which accion and suit the defendant shal not wage his lawe, nor haue any essoine or proteccion allowed.

¶ And if any person or persons procure or obtaine at the court of Rome or els where, anye maner of licence or dispensacion to bee none resident at their said dignities, prebend

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or benefices, contrary to this acte, that then every such person or persons, putting in execution any such dispensacion or licence for him selfe, from the saide first day of April, in the yere of our lord god M. v. C. & xxx. shall runne and incurre in the penaltye, damage, and peine of xx. pounde sterlinge for euery tyme so doinge, to bee forfeited and recovered as is aboue saide, and such licence or dispensacion so procured, or to bee put in execution, to bee void and of none effecte.

¶ Provided alwaies, that this act of none residence shal not in any wise extende ne bee prejudiciall to any such spirituall person as shall chaunce to be in the kinges seruice beyond the sea, nor to any persone or persons going to any pilgrimage or holy place beyond the sea, during the time that they shal so be in the kinges seruice, or in their pylgrimages going and retourning home, nor to any scholar or scholers beinge conuersaunt and abiding for studie, without fraude or couine, at any vniuersity within this Realme or without, nor to anye of the chapeines of the kinges or queenes daile or quarterlye attendinge and abydinge in the kinges or queenes most honorable householdes. Nor to any of the chapeines of the prince or princesse, or any of y^e kinges or queenes children, bretherne or susterne, attending daily in their honorable householdes, during so longe as they shal attende in anye of their saide householdes.

¶ Nor

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¶ Noz to any chapleyn of any archbishoppe or
bishopp, or of any spiritual or temporal lordes
of the parliament, daily attending, abidinge
and remaininge in anye of their honorable
householdes. ¶ Noz to any chapleyn of anye
duchesse, marques, countesse, vicountesse, or
baronesse, attending daply and abydinge in
any their honorable householdes. ¶ Noz to any
chapleyn of the lord Chauncellour or Trea-
surer of Englande, the kinges Chamberleyn
or stewarde of his household for the tyme
being, the treasurer and comptroller of the
kinges most honorable household for the
time beinge, attending daily in any their ho-
norable householdes. ¶ Noz to any chapleyn
of any of the knightes of the honorable order
of the garter, or of the chiefe Justice of the
kinges benche, warden of the portes, or also
of the master of the rolles. ¶ Noz to any cha-
pleyn of the kinges secretarie and deane of
the Chapell, or amner for the time beinge,
daily attending and dwellinge in anye their
householdes, during the time that anye suche
chapleyn or chapleynes shal abide and dwell
without fraude or couine, in any of the sayde
honorable householdes. ¶ Noz to the master
of the rolles or deane of the arches. ¶ Noz to
any chauncellour or commissary of any arch-
bishoppe or bishoppe. ¶ Noz to as manye of
the xij. masters of the chauncery, and xij. ad-
vocates of the arches, as he or hereafter shal
be spirituall men, duringe so longe time as
they shal occupie their said rouines & offices.

¶ Noz

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¶ Noz to any such spiritual persones, as shall happen by iniunction of the lord chawncelloz or the kinges counsel to be bounde to anye daile apperance and attendance to answer to the lawe, during the time of such iniunction.

• ¶ Provided also that it shal bee lesfull to enery spiritual person or persons, being chapleines to the kinge our soueraigne lord, to whom it shall please his highnes to geue anye benefices or promotions spirituall, to what number so euer it be, to accept & take the same, without incurringe the daunger, penaltie, and forfaiture in this estatute compiled. And that also it shal bee lesful to the kinges highnes to geue licence to euerye of his owne chapleines for none residence vpon their benefices. Any thinge in this present acte contained to the contrary notwithstanding.

¶ And be it furthermoze enacted by the authoritie aforesaide, that no spiritual parson, secular or regular, beneficed with cure, as is afoze rehersed, from the feast of Saint Michel tharchangell next comming, by authoritie of any maner licence, dispensacion, or otherwise, shal take any peticuler stipend or salarie to singe for anye soule, nor haue or occupie by him selfe or by any other to hyss ble, any personage, or vicarage in ferme, of the leasse or graunt of anye persone or persones, nor take any profite or rent out of any such ferme, vppon peine to forfaitte xl. s. for euery

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enery such weeke that he or anye to his vse
shal occupie, or haue anye suche stipende or
ferme contrary to this present acte. And vpon
peine to lose x. times the value of such profit
or rent as he shal take out of any such ferme
after the saide feast. The one halfe of whiche
for fautures to be to the king our soueraigne
lord, and the other moiety to him that wil sue
for the same by original writte, by l. plaint of
debte, or by informacion in any of the kings
courtes, in which suit & accion no swager of
law shal be admitted for the defendaunt, nor
any essoine or proteccion allowed.

Provided alway that no deanrye, arch-
deaconrie, chauncellourship, treasurer'ship,
chanter'ship, or prebende in anye cathedrall
or collegiall church, nor personage that hath
a vicar indued, nor any benefice perpetually
appropriated, be takē or comprehended vnder
the name of benefice, hauing cure of soule in
any article afore specified.

Provided also and bee it enacted by the
auctoritie aforesaide, that no spiritual per-
son or persones regular or secular, of what
estate, degree, or condicion so euer he or they
be, from the firste daye of Aprill next com-
minge, haue, vse, or kepe, by him or them self,
or by any person or persones to his or their
vse or commoditie, any maner of tanne house
or tanne houses, to be vsed or occupied to his
or their owne vse, commoditie, or behouie
nor from the said first daye of Aprill next com-
minge, shal haue, vse or kepe anye maner of
brew

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brewhouse or brewhouses to any other vse
intent, or be houe, than onely to be spent and
occupied in his or their owne houses, bypon
peine to forsaite for euery moneth so vsunge
and occupying any of the saide misteries or
occupacions x.li. The one moiety thereof to
the king our soueraigne lord, & the other moi-
tie to him that will sue for the same by oꝝy-
ginal wꝛitte, byll, plaint of debt, or infoꝛma-
cion in any of the kinges courtes in whiche
accion and suite no wager of lawe shal be ad-
mitted for the defendant, ne anye esloigne or
proteccion allowed.

¶ Provided alwaies, that euery duchess,
marques, countesse, baronesse, wydowes,
whiche haue taken or that hereafter shall
take any housebandes vnder the degree of a
baron, may take such number of chapleines
as is aboue limited to them being widowes
and that euery such chapleine may purchase
licence to haue and take such number of be-
nefices with cure of soule, and haue like li-
bertie of none residence in maner and fourme
as they might haue done if their saide ladies
and maisteresses had kept them self widowes
Any thing in this present acte contained to
the contrary notwithstanding.

¶ Provided alwaies, that euery spirituall
personne or persones, hauinge landes, tene-
mentes or other possessions in the righte of
their houses, aboue the yerelpe value of viij
C. marks, may kepe and retaine in their oc-
cupacion and manurance, as muche as their
saide

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saide landes and teneimentes, and other pos-
sessions, as shall be necessarie and sufficient
for pasturage of their catelles, and for til-
lage of coynes to be employed and spent for
the onely maintenance, sustentation, and ke-
ping of his or their householdes and hospi-
talities, without fraude or couling any thing
in this present acte to the contrarye thereof
notwithstanding.

¶ Provided alway that it may be lawfull
to every spirittuall persone and persones, to
take in ferme any meases, manacions, or dwell-
ling houses, hauing but onely orchardes or
gardemes, in any cite, borough, & towne
for their owne habitation or dwelling. Any
thing in this acte to the contrary notwithstanding.
So that no person spirittuall other
than be about provided for, for their none re-
sidence haue anye libertie of none residence
by colour of this proviso. [See the statutes
made 25. Henry. 8. cap. 16. and 28. 19. 8.
cap. 13. and 33. 19. 8. ca. 28. in Resi-
dence 31. 4. and 5. who els may
haue dispensacion and be
non resident.]

the contrary notwithstanding.

¶ An acte that al termers, may enioy their leasses
against recoueries had by fayned titles,
and falsifie the same recoueries. 21.

H. 8. Cap. 15. Recoueries. 2.

Vhere afore this time diuers persons
haue made leasses of their manors,
landes, tenementes, and other he=
reditaments, sometime by their indentures,
and sometime without wrytings to other per=
sons for terme of yeares, taking of the great
fines for y^e incūmes of the same leasses, and
after y^e same leassours, their heirs or assignes
haue caused and suffred recoueries to be had
against them in the courte of our soueraigne
lorde the king, and in other lordes courtes,
bypon feined and vnttrue titlzs, by craste &
couine, to put the saide termers fro their said
termes. And after suche recoueries had, the
same recouerers, by reason of suche recoue=
ries and iudgementes, haue entred into the
same manours, landes, tenementes, & other
hereditaments, so to ferme letten, and therof
haue expelled the saide farmers. contrary to
their said leasses, couenants & agreements.
And because it was doubted to some persons
whether the said termers might falsifie such
recoueries or not.

¶ Be it therfore enacted by the king our
soueraign lord, by the assent of the lords spi=
ritual & tempozal, & the comons in this pre=
sent parliament assembled, & by the autho=
ritie of the same, that al such termers shall &

Sh. i.

may

Recoueries.

may falsifie for his terme onely, suche recoveries, as well here tofore had, as hereafter to be had, in suche wise & fourme as a tenant of a free holde, shal and may do by the course of the cōmon law, where such tenant of free holde was neither priuy nor party to & same recovery. And that the same termers, their executours and assignes, notwithstanding suche recoveries so had, shall reteine, holde, and enjoy their said termes according to their said leasses against all such recoverers, their heires and assignes. And that the said recoverours their heires and assignes, after such recovery so had, shall have like remedy against the saide termers, their executours and assignes, by avowrye or action of debt for the rentes and seruyces reserved upon the same leasses, beinge due after the same recoveries, and also like actions against them for wast done, after the same recoveries so had, in lyke manner and fourme as the saide lessours should or might have had, if the same recoveries had never be had. And also be it further enacted by the aucthorite aforesaide, that no manner of statute of the staple, statute merchant, nor execution by elegit, be hereafter avoyded, or in any wyse made frustrate, by meanes of any such feyned reconery, but that all persons having anye landes, tenementes or other hereditamentes in execution, or beinge intituled to have execution of any mannours, landes or tenementes, by any suche meanes, shal have
by

by force of this estatute lyke remedye to as-
uoyde and falsifie the same recoveries, as be-
fore is ordeined & prouided for the lessee for
terme of yeres.

Auowrye.

¶ An acte concerning Auowries. Anno. 21.
H. 8. Cap. 19. Auowrie. I.

VVhere as well the noble men of this
realme, as diuers other persons, by
fines, recoveries, graūtes, and se-
cret feoffements and leases, made by their te-
nants to persons vnknownen, of the lands &
tenements holden of them, haue ben put frō
the knowledge of their tenāts, vpon whom
they should by order of the lawe make their
auowries, for their rentes, customes, & ser-
uices, to their great losses & hinderances.

¶ Be it therefore enacted, established, &
ordeined, by auctoritie of this present par-
liament, that where so euer anye manours,
landes, tenements, and other hereditaments
be holden by any maner person or persones,
by rentes, customes or seruices, that if the
lord, of whom anye suche manour, lands,
tenementes, or hereditamentes be so holden
distrayne vppon the same mannours, lands
or tenementes, for any such rents, customes
or seruices, & repleuin therof be sued, that the
lord, of whō the same landes, tenementes,

§. ij.

or here-

Auowrie.

or hereditaments be so holden, may auow, or his baillif or seruant make conisance, or iustifie for taking of the saide distresses, vppon the same landes, tenemētis, or hereditamētis, so holden, as in landes or tenements wpythin his fee or seignorie, alleging in y^e said auowrie, conisance and iustification, the same manours, landes and tenements to be holden of him without naming of any person certaine to be tenaunt of the same, and without making any auowrie, iustification or conisance vpon any person certaine. And likewise the lord, bayly or seruaunt, to make auowrye, iustification or conisaunce, in like maner and fourme vpon enerye w^{ch}it sued of seconde deliuerance.

¶ And also be it enacted by the saide authoritie, that every auowāt and every other person and persons, that make anye suche auowrie, iustification or conisaunce, as bayly, or seruant to any person or persons, in any replegiare, or seconde deliuerance, for rents customes, seruices, or for damage fasant, or other rent or rents vpon any distresse taken in any landes or tenementes: if the same auowrie, conisaunce, or iustification, be found for them, or the plaitifes in the same, be nonsuite, or otherwise barred, that then they shall recouer their damages & costes against the saide plaitifes, as the same plaitifes should haue done or had, if they had recovered in the replegiare, or second deliuerance found against the saide defendants. / Se be-
for

foze. Anno. 7. H. 8. cap. 4. Recoveries. 1.

¶ And be it also ordeyned, that the sayde plaintifes and defendants in the said writts of replegiare, or writts of seconde deliuerance and in enery of them, shall haue like ples, & like ayde and prayers in all suche auowries, conisances, & iustificacions, ples of disclaim onely excepte, as they might haue had befoze the making of this act, & as though y^e said auowry, conisance, or iustificatiō had ben made after the due order of the comon lawe.

¶ And it is further enacted by y^e saide authoritie, that all such persons as by the order of the common lawe may lawfullpe ioine to the plaintiffs or defendants in the said writts of replegiare or second deliuerance, as well without proceffe as by proceffe, shal frō henceforth ioine vnto the said plaintifes or defendants, as wel without proceffe as by proceffe, & to haue like ples & like auantages in al thigs (disclaim onely except) as they might haue done by the order of the comon lawe, befoze the making of this act.

Attaint.

¶ An acte concerning periurie and punishment of vnttrue verdictes.

23. H. 8. ca. 3. Attaint. 15.

The king our soueraigne lord, of his most godly and gracions disposicion calling to his remēbrance, how that periury in this

S. iij.

lande

Attaint.

lande is in manifolde causes, by vnreasona-
meanes, detestably vsed, to the disheritance
and great damage of manye and great noyn-
bre of his subiects, well disposed, and to the
most high displeasure of almighty God. The
good statutes against all officers haupnge
retourne of swittes and their deputies ma-
king panels partially for rewarde to them
geeuē, against vnlawfull mainteinours,
embzasours, and Furours, and against iu-
rours vntruelly geeyng their verdict, not-
withstanding. For refozmacion whereof,
and for as much as the late noble king, Hē-
ry the seuenth, prouided remedye for the
same by a statute made in the leuenth yere of
hys reigne. [cap. 24.] whych statute is now
expired. Bee it therefore nowe enacted by
the kynge oure soueraigne lord and the lordes
spirituall and tempozall, and the com-
mons in thys present parlyament assem-
bled, and by auctorite of the same, that
bpon euery vntrue verdict hereafter
geeuē betwixt partie and partie, in anye
suite, playnte or demaunde, befoze anye
Iustices or Iudges of recozde, where the
thyng in demaunde and verdict therēb-
pon geeuē, extendeth to the value of fortye
pounde, and concerneth not the ioperdy of
mans life; the partye greued by the same
verdict, shall haue a swytte of attaynt a-
gaynst euerye personne hereafter so geeyng
an vntrue verdict and euerye of them, and

against the partye, whiche shall haue iudgement vppon the same verdicte. And that in the same attaynt, there shalbee awarded, agaynst the petite Iurpe, the partye, and the graunde Iurpe, Somons, Resom, and distresse infinite, whiche graunde iurpe shal bee of lyke nombze as the graunde iurpe is nowe in attaynt, and euerye of them, that shall passe in the same, shall haue landes & tenements to the balne of twenty markes by the yere, of freeholde, oute of the auncient demeane. And vpon the distresse which shall bee deliuered of recorde, vpon the same open proclamacyon to bee made in y court where the distresse shall bee aswarded more then fyteene dayes afore the retourne of the same distresse, and euerye such distresse shall bee made vppon the lande of euerye of the saide graunde iurpe, as in other distresses is and hath been vled. And if the sayde partie defendant, or the petite iurours, or anye of them appere not vppon the distresse, then the graunde iurpe to bee taken agaynst them and euerye of them that shall so make defaute. And if anye of the sayde petite iurpe appere, then the partye complaynant in that behalfe, shal assygne the false serement of the first verdicte vntreuely geuen, wher vnto they of the petite iurpe shall haue none answer (if they bee the same personnes, and the swytte, proces, retozne and assignement good and lawefull, except that the demaundaunt or pleyntyfe in the same

Attaint.

Attaint hath afoze ben nonsuite, or discontinued his suite of attaint taken for the same, or hath for y same verdict in a writ of attaint had iudgementt against the saide petit iurie) but onely y they made true serement, which issue shall be tried by .xxiiij. of the said graund iurie, & the party shal pleade, that they gaue true verdict, or anye other matter, whiche shall be a sufficient barre of the saide attaint And that plee notwithstanding the graunde iurie to be taken without delay, to enquire whether the first iurie gaue true verdicte or no. And if they finde that the saide petit iury gaue an vntrue verdict, then euery of the saide petite iurie to forfait .xx. li. wherof the one halfe shall be to the king our soueraigne lord, and the other half to the party that sueth. And ouer that, that euery of the said petite iurie shall seuerally make fine & ransom by the discretiō of the Iustices, befoze whō the saide false serement shall be founde after their seueral offences defaults and sufficiency of euery of the saide petite iurie. And after that, that those of the said petite iurie so attainted shall neuer after bee in any credence, nor their othe accepted in anye courte. And if such plee as the party pledeth, which is a barre of the said attaint, bee founde, or deemed against him that so pleadeth, then the party that so sueth shall haue iudgement to be restozed to that he lost with his reasonable costes and damages.

Foreseene alswaye that any vtlarpe in
action or

action or cause personal, or excommengement
pleaded or alleged in the partie plaintife or
demandant shalbe taken but as boide plee, &
to that he shal not bee put to aunswer. And
that in all the aforesaide processe suche daye
shalbe geuen as in a writ of Dower, & none
essoine or protection to lie nor to be allowed
in the same. And if the said graund iurie ap=
pere not vpon the first distresse had agaynst
them, so that the iurie for their defaute do re=
maine, he that maketh defaute shall forsayt
to the king twenty shillings, and vpon the
second distresse forty shillings and after ma=
king defaute, for euery such defaute fine pound
And like penalties and forfeitures to bee a=
gainst them and euerye of them that shalbee
named in the Tales, as is afoze expresse a=
gainst euery of the saide graunde iurie afoze
saide. And that for and by the deathe of the
partye or any of the saide petit iurie, the said
attaint shal not abate, nor be deferred against
the reimenant, as long as two of the said pe=
tite iury be alive.

And if hereafter any false verdict be geue
in any action, suite or demaunde, afoze anye
Iustice or iudge of record, of any thing per=
sonall, as debt, trespass and other like, which
shalbe vnder the value of forty ponde, that
then the party greued shall haue attaint, &
suche proces and ples as is afoze reherfed,
and delaies to be taken away as is afoze re=
membred: except that in this case of attaynt
euery person of the graunde iury that maye
dispende

Attaint.

dispend. v. markes by the yere of frehold out of auncient demesne, or is worth an hundred marke of goods and cattalles, shalbe able to passe in the same attaint. And if the petit jury be attainted, that then they shall in thys case of attaynt euery of them to forfait. v. li. wherof one half shal bee to the king, and the other halfe to the party, after the fourme afoze reherfed, & ouer that to make fine & ransom by the discrecion of the Iustices, as is afozelsaid. ¶ And if there bee not personnes of suche sufficiencie within the shire or place where any of the saide attaints shalbe taken as may passe in the same: be it ordeined by y^e auctoritie abouelsaid, that then one Tales shalbe awarded into the shire next adioining by the discrecion of the Iustices, afoze whō the same attaints shalbe taken, whiche shalbe warned to appere vpon like paines as is afozelsaid, and enabled to passe in the said attaints, as if they were dwelling in the shire, where the same attaint shalbee taken. And that the same lawes, action and remedy or ordeined by this present act, be kept for and to all them that shalbe greued by suche vnttrue verdicts of any inheritance, in discent. reuerfion, remaindre, or of any freholde in reuerfion or remaindre. And if the party in attaynt geuen by this act be nonsuit, or y^e same discōtinue, that then the same party so nonsuit, or so discōtinuing the said attaint, make fine & ransom by y^e discreciō of y^e iustices afoze whō the said attaint shalbe taken & depending.

¶ And

And that all attaintes hereafter to bee taken, shalbe taken afoze y^e king in his bēche oꝛ afoze the iustices of the commō rplace and in none other courtes. And that Nisi prius shalbe graunted by discrecion of the iustices vpon the distresse. And euery of the said petit iury may appere & answer by attornei in the said attaint. And that the moitie of y^e said forfaiture of the petit iurie shalbee leuied to thuse of our soueraigne loꝛde by Capias ad satisfaciend, oꝛ Fieri fac, oꝛ Elegit, oꝛ by action of debt against euery person of the petit iurie so forfaiting, and against his executours and administratours, hauing then sufficient goods of their said testatour not administred and the other moitie shal by like processe be leuied to the vse of the partie that sueth any attaint geuen by this acte, against euery of the saide petite iurie and his executours oꝛ administratours, hauing then sufficiency of goods as is afozesaide not administred: and the iudgement of restitution to the partye greued suing this acte and execution of the same to be had, and like iudgement foꝛ the partie defendand oꝛ tenant to bee discharged of restitution, as afoze this present act in case of a grand attaint hath ben vsed. And if ther bee dyuers pleyntifes oꝛ demaundauntes in attaynt, that the nonsuite oꝛ releasse of anye of them shall not bee in any wyse hurtfull oꝛ pretudiciall to the residue, but that they & euery of them in such cases may bee

Attaint.

be some and severed like as it is used when there be diuers demandants in actions real.

¶ Bee it also ordeined and enacted by the aucthoritie abouesaide. that in euery writ of attaint hereafter to be taken by or vpon this act, the which shalbe such as other writs of attaint bee, and after the Teste of the same writ, shalbe written these woordes in latin: Per statut. continuat. vsque annum vicesimum tertium domini Henrici octauī dei gratia Anglię & Franc. regis, fidei defens. & domini Hiberni.

¶ And it is also enacted, that this act shal take effect for verdictes hereafter to bee geuen and to continue to the last day of the next parliament.

¶ Provided alway, that this acte bee not prejudiciall to a statute made in the xi. yere of the late king of famous memory Henry 6 vij. for punishment of perjury in vnttrue verdictes geuen in plaintes sued in the courtes of the citie of London, but that it shal bee at the liberty of all persons for and vpon anye vnttrue verdict geuen in any courtes of the same citie, to sue their attaint vpon this estatute, or els vpon the saide estatute made in the saide. xi. yere at their owne pleasures and willes. | *See Anno. 11. H. 7. ca. 21. Attaint 13*
¶ For attainys in London. Note that thys statut is made perpetuall. Anno. 13. Elizab. cap. 25.

¶ An

¶ An acte expressing an order for vfes and willes
27.H.8.Cap.10. Vfes.9.

VVherby the common lawes of this
realme, landes, tenementes and he-
reditaments, be not diuisible by tes-
tament, noz ought to be transferred, fro one
to an other, but by solempne liuery and season
matter of recozde, wziting sufficient, made
bona fide without ccuine oz fraude, yet ne-
uerthelesse, diuers and sundrie ymaginac-
ons, subtile inuencions and practises haue
ben vsed: wherby the hereditaments of this
realme haue ben conueied fro one to an other
by fraudulent feoffements, fines, recoueries
and other assurances craftily made, to secret
vles, intents and trustes, and also by willes
and testaments, sometime made by nude pa-
roll and woozdes, sometime by signes & to-
kens, and sometime by wziting, and for the
most part made by suche persons as be visi-
ted with sicknes in their extreame agonies
and paines, oz at such time as they haue had
scantly any good inemozy oz remembrance:
at which times they being prouoked by gre-
dye and couetous persons, lying in a wayte
about the, do many time dispose indiscretely
and vnadvisedly their landes and inheritan-
ces, by reason wherof & by occasiō of which
fraudulent feoffementes, fines, recoueries, &
other like assurances to vles, confidences &
trustes, diuers and manye heires haue bene
iniustly

Vses.

iniustly at sundry times disherited, the lordes
 haue lost their wardes, marriages, reliefes,
harriots, eschetes, aides pur faire fitz chival-
ier, & pur file marier, and scantly any person
 can be certainly assured of any landes by the
purchased, nor knowne surelye against who
they shall vse their actions or execution for 9
their rightes, titles and dueties. Also men
 married haue lost their tenants by the curte-
sie, women their dowers, manifest variu-
ries, by trial of suche secret willes and vses,
 haue ben committed. The kinges highnesse
 hath losse the profittes and aduantages of
 the landes of personnes attaynted, and the
 landes craftely put in seoffement to the vses
 of alpens bozne, and also the profittes of
waiste for a yeare and a daye, of landes of
 felons attaynted, & the lordes their eschetes
 thereof, and manye other inconueniences
 haue happened and dayly do encrease among
 the kinges subiectes, to their great trouble
 and inquietnes, and to the vetter subuersion
 of the auncient comon lawes of this realme.
 For the extirping and extinguisment of all
suche subtil practised seoffementes, fynes,
recouerpes, abuses, and errours, hereto-
 fore vsed and accustomed in this realme,
 to the subuersion of the good and auncy-
 ent lawes of the same, and to thyntent that
 the kinges highnesse, or anye other his sub-
 iectes of this realme shall not in anye wyse
 hereafter by anye meanes, or inuencions, be
 deceiued, domaged or hurted, by reason of
 suche

suche trustes, vles or confidences, it maye please the kinges moste royall maiesty, that it may be enacted by his highnes, by thasent of the lordes spirituall and tempozall, & the commons in this pzesent parliament assembled, and by aucthoritie of the same, in manner and fourme folowing: that is to say,

that where any persone or persons stande or be leased, or at any time hereafter shall happen to be leased, of & in any honours, castels, manours, landes, tenementes, rentes, seruices, reuerfions, remainders or other hereditamentes, to the vse, confidence or trust of anye other person or persones, or of anye body politique, by reason of anye bargayne, sale, feoffment, fine, recouerye, couenaunt, contract, agreement, will or otherwyle, by any manner meanes whatsoeuer it bee, that in euerye suche case, all and euery such personne and personnes, and bodies polityque, that haue or hereafter shall haue anye suche vse, confidence or trust, in fee simple, fee tail for terme of lyfe or of yeares, or otherwyle or any vse, confidence or trust in remainder or reuerter, shall from henceforth stand and be leased, deemed, and adiudged in lawfull season estate and possession, of and in y same honours, castels, manours, landes, tenementes, rents, seruices, reuerfions, remainders, and hereditaments, with their appurtenaunces to all intentes constructions and purposes in the lawe, of and in suche like estates, as theye had or shall haue in vse,

to 1032
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1032 1032
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Vses.

in vse, trust or confidence, of or in y same ~~land~~
 that the estate, title, right and possession that
 was in such person or persons, that were, or
 hereafter shalbe leased, of any landes, tene-
 mentes or hereditamentes, to the vse, confy-
 dence or truste of any suche personne or per-
 sons, or of any body politike, be from hence-
 forth clerely deemed & adiudged, to be in him
 or thē that haue or hereafter shal haue suche
 vse, confidence or truste, after suche qualite
maner fourme and condicion, as they had be-
foze, in or to the vse, confidence or trust, that
was in them.

¶ And be it further enacted by the auctho-
 ritie aforesaide, that where diuers & many
 persons, bee or hereafter shall happen to bee
 iointly leased, of and in any lands, tenemēts
 rents, reuercions, remainders or other here-
 ditamentes, to the vse, confidence or trust of
 any of them, that be so iointly leased, that in
 euery such case, that those person or persons,
 whiche haue or hereafter shal haue, any such
 vses, confidence or trust, in any such lands,
 tenementes, rentes, reuercions, remainders
 or hereditamentes, shall from hencefozthe,
 haue and bee deemed and adiudged to haue,
 onely to him or them, that haue or hereafter
 shall haue suche vse, confidence or trust, such
 estate, possession and season, of and in y same
 landes, tenementes, rentes, reuercion, re-
 mainders, or other hereditamentes in lyke
 nature, manner, fourme, condicion and
 course, as he or they had befoze in the vse,
 confidence

confidence or trust of the same landes, tenementes, or hereditaments. Having and reserving to all and singuler persones and bodies politike, their heires and successours, or ther then those person or persones, which he sealed or hereafter shalbe sealed of any landes, tenementes or hereditaments to any vse, confidence or trust, al such right, title, entrie, interest, possession, rents and accion, as they or any of them had or might haue had before the making of this acte.

¶ And also saving to all and singuler those persons, and to their heires, which be or hereafter shalbe sealed, to any vse, al such former right, title, entrie, interest, possessions, rents, customes, services, and accion as they or any of them might haue had to his or their owne proper vse, in or to any, manours, landes, tenementes, rents, or hereditaments, wherof they be or hereafter shalbe sealed to any other vse, as in this present acte had neuer ben had nor made: any thinge contained in this acte to the contrary notwithstanding.

¶ And where also diuers persones stande and be leasehold, and in any landes, tenementes, or hereditamentes, in fee simple, or other wise to the vse or intent that some other person or persons, shal haue and perceiue yerely to them and to his or their heires one annual rent, of tenn pounds or more or lesse out of the same landes and tenementes, and some other person one other annual rent to him, & his assignes for terme of life, or yeres, or for

some other speciall time, according to such intent and vse, as hath bene heretofore declared limited and made therof. Be it therfore enacted by the aucthority aforesaid that in euery suche case, the same persones their heires and assignes, that haue such vse and interest, to haue and perceiue any such annuall rentes out of any landes, tenementes, or hereditamentes, that they and euery of them their heires and assignes, bee adiudged and deemed to be in possession and seison of the same rent, of and in such like estate, as they had in the title interest or vse of the sayde rent or profite, and as if a sufficient grant or other lawfull conueasance had be made and executed, to them, by suche as were or shal be sealed to the vse or intende of any suche rente to be had made or payde, according to the verie truste and intent therof. And that all and euery such person and persones, as haue or hereafter shal haue, any title, vse & interest, in or to any such rent or profite, shall lawfully distreine for none paiement of the said rent, and in their owne names make aduowries, or by their Bailifes or seruants make cognisances & iustificacions, & haue al other suits entries, & remedies, for such reits as if the same rents had be actually & really granted to them, with sufficient clauses of distress recety or otherwise, according to such condicions paines or other thinges limited & appointed vpon the trust & intent for payment of erty of such rent.

And

And be it further enacted by the authoritie aforesaide, that where as diuers persons haue purchased or haue estate made and conueied of and in diuers landes tenementes & hereditamentes vnto the and to their wives and to the heires of the husbände, or to the husband and to the wife, and to the heires of their two bodies begotten, or to the heires of one of their bodies begotten, or to the husband and to the wife for terme of their liues or for terme of life of the said wife. Or wher any such estate, or purchase of any landes, tenementes, hereditamentes, hath bene or here after shalbe made to any husband and to his wife, in maner and fourme aboue expressed, or to any other parlon or perlonen, & to their heires and assignes, to the vse and behoote of the saide husband and wife, or to the vse of the wife, as is befoze rehersted for the iointer of the wife: that then in euery suche case, euery woman married, hauing suche iointer made or hereafter to be made, shal not claime nor haue title to haue any dower of the residue of the landes, tenementes or hereditamentes that at any time were her saide husbonds by whom she hath any such iointer, nor shal demaunde nor claime her dower of and against them that haue the landes and inheritances of her saide husbände. But if she haue no suche iointer, then she shal bee admitted and inhabled to pursue, haue and demaunde her dower by writte of dower, after the due course and order of the common lawes

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of

videtur Alexander 1^o cap. 17. Et h. in cap. 17. in fine
 in fine per Rogerum in fine iointer

per stat.
 made
 voyd
 out of
 purchase

vse limite
 out of
 cap. 17. de
 statute.

concord
 10 cap. 17
 or 10 de
 dower
 10 cap. 17
 10 cap. 17
 10 cap. 17

10 cap. 17
 10 cap. 17
 10 cap. 17
 10 cap. 17

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of this Realme: this acte or any lawe or pro-
uision made to the contrary therof notwithstanding.

¶ Provided alway, that if any such wo-
man be lawfully expelled or evicted from her
saide iointer, or from any parte therof, with-
out any fraude or couine, by lawfull entre-
cession or by discontinuance of her husbände
then every such woman shal bee endowed of
as much of the residue of her husbändes te-
nementes, or hereditamentes, whereof she
was befoze dowable, as the same lands and
tenementes, so evicted and expelled, shal a-
mount or extend vnto.

¶ Provided also, that this acte nor anye
thing therein contained or expressed, extende
or be in any wise hurtfull or preiudicial to a-
ny woman or women, heretofore being ma-
ried, of for or concerning such right title vse
interest or possession, as they or any of them
haue claime or pretende to haue for her or
their iointer or dower, of in or to anye ma-
nours, landes, tenementes, or other heredi-
tamentes of any of their late husbändes, be-
ing now deade or deccased, any thing contain-
ed in this acte to the contrary notwithstanding.

¶ Provided also, that if any wife haue or
hereafter shal haue any manours, landes, te-
nementes, or hereditaments, vnto her given
or assured after marriage, for terme of her
life, or otherwise in iointer, excepte the same
assurance be to her made by acte of parlia-
ment,

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of dower
in iointer
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ment, and the saide wife after that fortune to ouer live the same her husbände, in whose time the saide iointer was made or assured vnto her, that then the same wife, so ouer liuing, shal and maye at her libertie, after the death of her saide husband, refuse to haue & take the landes, and tenementes, so to her geuen appointed or assured, duringe the couerture, for terme of her life or otherwise in iointer: except the same assurance bee to her made by acte of parliament, as is afore sayd, and therupon to haue aske, demaunde and take her dower, by writ of dower, or otherwise, according to the common lawe, of and in all such landes, tenementes, and hereditamentes, as her husbände was and stode seised of any state of inheritauce, at any tyme duringe the couerture, anye thinge contayned in this acte to the contrary in any wyse notwithstanding.

¶ Provided also that this present act nor any thing therein contained, extende, nor be at anye time hereafter interpreted, expounded or taken, to extincte, release, discharge or suspende, any statute recognisance, or other bōd by the execucion of anye estate, of or in anye landes, tenementes, or hereditamentes, by thauthorie of this acte, to any person or persones or bodies politike, any thinge contained in this acte to the contrary therof notwithstanding.

¶ And for asmuch as great ambiguities & doubtēs may arise of the validity & inualidity

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of willes heretofore made of any landes, tenementes, and hereditamentes, to the greate trouble of the kinges subiectes, the kinges most rotall maicstie minding the tranquillity and rest of his louing subiectes, of his moste excellent and accustomed goodnes is pleased and contented, that it be enacted by thauthoritic of this pzesent parliament, that al' maner true and iust willes and testamentes, heretofore made, by any person or persones, decealed, or that shall decease, befoze the firste day of May, that shall be in the yere of our lord god M.v.C. xxxvi. of any landes, tenementes, or other hereditamentes, shal be taken and accepted good and effectnall in the lawe, after suche fashion maner and soume, as they were comonly taken & vsed. at anye time sin forty yeres next afoze the makinge of this act, any thing contained in this act, or in the pzreamble therof, or anye oppinion of the common lawe to the contrarie thereof notwithstanding.

¶ Provided alwaies, that the kings highnes, shal not haue, demaunde, or take, any aduantage or profite, for or by occasion of the executinge of anye estate onely by authoritie of this acte, to anye persone or persones, or bodies polytike, whiche now haue, or on this side the saide firste daye of May, whiche shall bee in the yere of our Lorde god. M.v.C. xxxvi. shall haue, anye vse or vses, trustes, or confidences, in anye manours, landes, tenementes, or hereditamentes

mentes, holden of the kinges highnes, by reason of primer seison, liuerie, ouster le maine, fine for alienacion, reliefe, or harriote but that fines for alienacions, reliefes, and harriottes, shal be payde to the kinges highnes. And also liuries and ouster le mains shal be sued for vses, trustes, and confidences to bee made and executed in possession, by aucthority of thys acte, after and from the sayde firste daye of Maye, of landes, and tenementes, and other hereditaments holden of the kinge in suche lyke maner & fourme, to all intentes constructions and purposes as hath heretofore bene used or accustomed by the order of the laws of this realme.

¶ Provided also, that no other person or persons or bodies politike, of whom any landes, tenementes, or hereditaments be or here after shal bee holden, mediate or immediate, shal in any wise demaunde or take, any due relief or hariot, for or by occasion of the executing of any estate by the aucthority of this acte to any person or persons or bodies politike, before the said first daye of Maye, which shal be in the yere of our lord god. 1536.

¶ And be it enacted by aucthority aforesaid that all and singuler person and persons, and bodies politike, which at anye time on thys side the said first daye of Maye which shalbe in the yere of our lord god 1536. shall haue anye estate vnto them executed, of and in anye landes, tenementes, or hereditamentes, by the aucthoritie of this acte, shall

and may haue and take the same or like ad-
 uantage, benefite, vouchet ayde, pzaier, re-
 medy, commoditie and profite, by action, en-
 trie, condicion or otherwise, to al intents cō-
 struccions and purposes, as the personne or
 persones seised to their vse, of or in any such
 landes, tenementes, or hereditamentes, so
 executed, had should might or ought to haue
 had, at the time of the execucion of the estate
 therof, by the aucthoritie of this act, against
 any other persone or persones, of or for anye
 waste, disseison, trespass, condicion broken,
 or any other offence cause or thing concer-
 ning or touching the saide landes or tenemētis
 so executed by the aucthoritie of this acte.

¶ Provided also, and be it enacted by the
 aucthoritie aforesaide, that actions nowe de-
 pending against any person or persones, sea-
 sed of or in any landes tenementes, or heredi-
 tamentes, to any vse trust or confidence, shal
 not abate ne be discharged for or by reason of
 executing of any estate therof by aucthoritie
 of this acte, before the said first day of May
 which shalbe in the yere of our Lorde god.
 1536 any thing contained in this acte to the
 contrary notwithstanding.

¶ Provided also, that this acte nor anye
 thinge therein contained, shal not be preiudi-
 ciall to the kinges highnes, for wardshippes
 of heires now being within age, nor for lue-
 ries or for oustere le maines, to be sued by a-
 ny personne or persones, now beinge within
 age, or of full age, of any landes or tenemētis
 vnto

unto the same heire or heires now alreadye descended, any thinge in this acte contayned to the contrary notwithstanding.

¶ Provided also, and be it enacted by the aucthoritie aforesaide, that all and singuler recognisances heretofore knowledged taken or made, to the kinges vse, for or concerning any recoveries of any landes, tenementes or hereditamentes heretofore used or had, by writ or writtes of entre upon disseison in le poss, shal from hence forth be utterly voyde and of none effecte to all intentes constructions, and purposes.

¶ Provided also that this acte, nor anye thinge therein contained, be in anye wise prejudicial or hurtful to any person or persones bozne in Wales, or the marches of the same which shal have any estate to them executed by aucthoritie of this acte, in any landes, tenementes, or other hereditamentes, within this Realme, wherof any other person or persones now stand or be seased, to the vse of any such person or persons bozne in Wales or the marches of the same: but that the same person or persons bozne in Wales or the marches of the same, shal or may lawfully have retaine and kepe the same landes, tenementes or other hereditamentes, whereof estate shal be so unto them executed by the aucthoritie of this act, according to the tenour of y^e same any thing in this acte contained, or any other acte or provision heretofore had or made to the contrary notwithstanding.

of 24

5 An acte concerning Inrollementes of
bargaines and contractes of lands
and tenementes. an. 27. H. 8.

Cap. 16.

Inrollementes.2



B it enacted by the authorite of this present parliament, that fro the last day of July, whiche shalbe in the yere of our Lorde god 1536. no manours, landes, tenementes or other hereditamentes, shall passe alter or chaunge, from one to another, wherby any state of inheritance or frecholde, shalbe made or take effecte, in any person or persons, or any vse thereof to be made, by reason onely of any bargayne and sale thereof, excepte the same bargayne and sale be made, by writing indented, sealed, and inrolled in one of the kinges courts of recorde at Westminster, or els within the same countie or counties wher the same manours, landes, or tenementes, so bargained and solde yve or be, before the Custos Rotulorum, and two Justices of the peace and the clerke of the peace of the same countie or counties, or two of them at the least, whereof the clerke of the peace to bee one: and the same enrollement to be had and made within six monethes nexte after the date of the same writings indented, the same custos Rotulorum, or Justices of the peace, and clerke

clerke, takinge for the enrolment of euery such writinge indented befoze them, where the lande comprised in the same writinge excede not the yerely value of fortye s two shillings, that is to say, xij. d. to the Iustices, and xij. d. to the clerke, and for the enrollement of euery such writinge indented befoze them, wherein the lande comprised excede the summe of xl. s. yerely value v. s. that is to say, ij. s. vi. d. to the saide Iustices and ij. s. vi. d. to the said clerke for the enrollinge of the same. And that the clerke of the peace for the time being, within euery such county, shall sufficiently enrolle and engrosse in parchment the same decedes or wrytinges indented, as is aforesaide, and the rolls thereof at the end of euery yere shal deliuer vnto the Custos Rotulorum of the same countie for the time beinge, thereto remaine in the custodie of the saide custos Rotulorum for the time being, amongst other recordes of euery of the same counties, where any such enrolmentes shalbee so made, to the intente that euery partye that hath to doe therewith may resorte and se the effect & tenour of euery such writinge so enrolled.

¶ Provided alwaies, that this acte nor any thing therein contained, extend to any manner landes, tenementes, or hereditamentes, lying or being within any Citie, borough, or towne corporate within this Realme, wherein the Maiors, recorders, chamberlains, bailiffs, or other officer or officers haue authori-

Particion.

authozitie of lawe lawfully vsed, to enrolle anye euidences deedes or other wrytinges within their precincts or limittes, any thing in this acte contained to the contrarie notwithstanding | Se after a statute made 34. H. 8. ca. 22. touchinge deedes enrolled in such Cities &c.

¶ Particion.

¶ An acte concerning iointenaunts and tenants in common. au. 38. H. 8.

Cap. I. Particion. 3.



Or as much as by the common lawes of this Realme, diuers of the kinges subiectes, beyng seiled of manours landes, tenementes and hereditaments, as iointenantes, or as tenants in common, with other of any estate of inheritance, in their owne rightes, or in the right of their wiues, by purchase discent or other wise, and euery of them so being iointenantes or tenants in common, haue like right title interest and possession in the same manours, landes, tenementes, and hereditaments for their partes or porcions iointly or in common vndeuidedly together with other, and none of them by the law doth or may knowe their seueral partes or porcions in the same or that that is his or theirs by it selfe vndeuided

vided: and can not by the lawes of this re-
 alme otherwise occupie oz take the profits
 of the same, oz make any leuenance, demission,
 or pardon thereof, without other of theire
 mutuall assentes and consentes, by reason
 wherof diuers and many of them, beinge so
 iointlye and vndeuidedly seised of the sayde
 manours, landes, tenementes and heredita-
 mentes, oftentimes of their pervers con-
 ceits and malicious mindes and willes, a-
 gainst al right, iustice, equitie, and good con-
 science, by strength and power, haue not on-
 ly cut and fallen downe al the woodes and
 trees growing vpon the same, but also haue
 extirped subuerted pulled downe, and distroi-
 ed al the houses, edifications, and buildings,
 meadowes, pastures, commons & the whole
 commodities of the same, and haue taken and
 conuerted them to their owne vles, and
 behoues, to the open swronge and dishe-
 rison, and against the mindes and willes of
 other, holding the same manours, landes, te-
 nementes, and hereditaments, iointly oz in
 common with them, and they haue bene al-
 waies without assured remedy for the same
 We it therfore enacted by the king our most
 dread soueraigne lord, and by thassent of the
 lordes spiritual and tempozal, and by the
 commons in this present parliament assem-
 bled, that all iointenantes, and tenauntes in
 common that now be, oz hereafter shall be
 of anie estate oz estates, of enheritaunce, in
 their owne rightes, oz in the righte of their
 wiues

121. of Iointenantes.

Witnes, of any manours, landes, tenementes, or hereditamentes, within this Realme of Englands, wales, or the marches of y same shall and may be coacted and compelled, by vertue of this p[re]sent acte, to make partici- on betwene them, of all such manours, landes tenements and hereditamentes, as they now holde, or hereafter shal holde, as iointenantes or tenants in common, by writ De participa- tione facienda, in that case to be deuised, in the king our soueraigne lordes court of chaun- cerie, in like maner & fourme as coparceners by the common lawes of this Realme, haue bene and are compelled to do, and the same writ to be pursued at the common lawe.

¶ Provided alway and be it enacted, that every of the saide iointenantes or tenants in common, and their heires, after such partici- on made shall and may haue aide of the o- ther, or of theire heires, to the intent to de- reigne the warraunty paramount, and to re- couer for the rate, as is vled betwene copar- ceners after particion made, by the order of the common lawe, any thing in this act con- sidered to the contrary notwithstanding.

¶ Here after. a statute made 32. H. 8. ca. 32. touching Particion betwene tenants of par- ticuler estates.

Monasteries. fo. 152

An acte whereby religious houses dissolued,
and their landes are assured to the king.

And how leasses and grauntes
made of them shal take
effect, An. 31. H. 8. ca. 13.

¶ Monasteries. II.

VVhere diuers and sundrye abbotes,
priors, abbesses, prioresses, and o-
ther ecclesiasticall gouernours and
gouernesses, of diuers monasteries, abbathies,
priors, nunries, colleges, hospitals, hou-
ses of friers, and other religious and ecclesi-
asticall houses and places, within this our
soueraigne lord the kinges Realme of Eng-
land and Wales, of their owne free and vo-
luntary mindes, good willes and assentes
without constrainte coaction or compulsion
of any maner of persone or persones, vther
the iij. daye of Februarye, the xxvij. yere of
the raigne of our nowe most dread soueraign
Lorde, by the due order and course of the
common lawes of this his Realme of Eng-
lande, and by their sufficient writynges,
of recoorde, vnder their couent and common
seales, haue seuerallye geuen, gran-
ted, and by the same their writynges, se-
uerallye confirmed, all their saide mo-
nasteries, abbathies, priories, nunries,
colleges, hospitals, houses of friers, and
other religious and ecclesiasticall houses,
and places, and all their sites, circuytes,
and precinctes of the same, and all and
singuler

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singular their manours, lordships, granges,
 meases, landes, tenementes, meadowes, pas-
 tures, rentes, reuerfions, seruices, woodes,
 tithes, pensions, porcions, churches, chapels
 aduowfons, patronages, annuities, rightes,
 entries, condicions, commons, leets, courts,
 liberties, priuiledges, and franchises, ap-
 pertaining or in any wise belonging to any
 such monasterie, abbathie, priory, nunnrie, col-
 ledge, hospitall house of friers, and other re-
 ligious and ecclesiastical houses and places
 or to any of them, by what so euer name or
 incorpacion they or any of them were than
 named or called, and of what order habyte
 religion or other kind or quality so euer they
 or any of them then were reputed knowen
 or taken. To haue and to holde al the sayde
 monasteries, abbathies, priories, nunnries, col-
 ledges, hospitales, houses of friers, and other
 religious and ecclesiastical houses and pla-
 ces, sites, circuits, precinctes, manours, lan-
 des, tenementes, meadowes, pastures, rents
 reuerfions, seruices, and al other the premis-
 ses, to our saide soueraigne lord his heyres
 and successours for euer, and the same their
 saide monasteries, abbathies, priories, nun-
 ries, colledges, hospitales, houses of friers,
 and other religious and ecclesiastical houses
 and places, sites, circuits, precinctes, ma-
 nours, lordshippes, graunges, meases, lan-
 des, tenementes, meadowes, pastures, ren-
 tes, reuerfions, seruices, and other the pre-
 mises, voluntarilke as is aforesaide haue
 renounced

renounced, left and forsaken, and euerpe of them hath renounced, left and forsaken. Be it therfoze enacted by the king our soueraign lord and the lordes spiritual and tempozal, and the commons in this pzeent parliament assembled and by aucthoritie of the same, & the king our soueraigne lord shal haue, hold possede a enioy to him his heirs & successors for euer, all and singuler such late monasteries, abbathies, priories, nūtries, colledges, hospitals, houses of friers & other religious and ecclesiasticall houses & places, of what kindes, natures, qualities, or diuersities of habites, rules, professions or orders they or any of them were named, knowen or called, which sith y^e said fowerth day of februarye, the .xxvii. yere of the reigne of our said soueraigne lord, haue bene dissolved, suppressed, renounced, relinquished, forsaken, geuen vp, or by any other meane come to his highnesse, and by the same aucthoritie, and in like maner shal haue, holde, possede & enioy al the sites, circuites, precincts, manours, lordships, granges, meases, landes, tenements, medowes, pastures, rentes, reuerfions, seruices, woods, tithes, pencions, porcions, personages appropried, vicarages, churches, chappels, aduowfons, nominacyons, patronages, annuities, rights, interestis entries, condicions | Sc. 32. H. 8. cap. 34 | commons, lretes, courtes, liberties, priuileges, franchises, and other whatsoeuer hereditamentes, whiche appertained or belonged, to

U. i.

the

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the said late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of fryers, & other religious or ecclesiastical houses and places, or to any of the, in as large and ample maner and fourme as the late abbots priours, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, of such late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of fryers & other religious & ecclesiasticall houses and places, had helde or occupied, or of right ought to haue had, holden or occupied, in the right of their saide late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiasticall houses or places, at the time of the sayde dissolution, suppression, renouncing, relinquishing, forsaithing, geecuyng by, or by any other maner of meane comming of the same to the kinges highnes sithen & twerth day of February aboue specified.

¶ And it is further enacted by the auctoritie abouesaide, that not onely all the sayde late monasteries, abbathies, priories, nunries, colledges, hospitalles, houses of friers and other religious and ecclesiasticall houses and places, sites, circuites, procinctes, mannours, lordshippes, graunges, meases, landes, tenementes, medowes, pastures, rentes, reuerfions, seruitces and all other the premisses, forthwith immediately & presently, but also all other monasterpes, abbathies,

abbathies, priories, nunries, colledges, hospitals, houses of friers & al other religious & ecclesiastical houses & places, which hereafter shall happen to be dissolued, suppressed, renounced, relinquished, forfeited, geuen by, or by any other meane come vnto y^e kings highnesse, & also al the sites, circuites, precinctes, manours, lordships, granges, meases, landes, tenements, medowes, pastures, rentes, reuerfions, seruices, woods, tythes, pencions, porcions, personages appropriate vicarages, churches, chappels, aduowfons, nominations, patronages, annuities, rights, interests, entrees, condicions, commons, leetes, courtes, liberties, priuileges, franchises, & other hereditaments, what soeuer they bee, belonging or appertaininge to the same, or any of them, whansoever & as sone as they shalbe dissolued, suppressed, renounced, relinquished, forfeited, geuen by, or by any other meane come vnto the kings highnesse, shalbe vested, deemed & adiudged by auctoritie of this present parliament, in y^e very actuall and real seison and possession of the king our soueraigne lord, his heires and successours for euer, in the state & condition as they now bee, & as though al y^e said late monasteries, abbathies, priories, nūries, colledges, hospitals, houses of friers & al other religious & ecclesiastical houses & places so dissolued, suppressed, renounced, relinquished, forfeited, geue by, or come to y^e kings highnesse, as is aforesaid, as also y^e said monasteries

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abbathies, priories, nunries, colleges, hospitals, houses of friers and other religious & ecclesiastical houses & places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, geuen by or come vnto the kings highnes sites, circuits, precinctes, manours, lordships, granges, landes tenements, and other the premisses, what soeuer they bee, & euery of them were in this present act specially & particularly rehearsed, named & expressed by expresse words names, titles and faculties, and in their natures, kinds & qualities.

¶ And be it also enacted by thau thority aforesaid, that all the said late monasteries, abbaties, priories, nunries, colleges, hospitals, houses of friers & other religious & ecclesiastical houses, & places which ben dissolved, suppressed, renounced, relinquished, geuen by, or come to the kings highnes, by any maner of meanes, as is aforesaide, and al the manours, lordships, granges, landes, tenements, and other the premisses (excepte suche therof as be comen to the kings hands by attainder or attainders of treason) and al the said monasteries, abbaties, priories, nunries, colleges, hospitals, houses of friers, & other religious and ecclesiastical, houses or places, which hereafter shall happen to be dissolved, suppressed, renounced, relinquished, forfeited, geuen by, or come vnto the kings highnes, & al the manours, lordships, granges, landes, tenements, meadowes, pastures, rents, reuercions,

reuerſions, ſeruices, woods, tiſhes, porcions
pencions, perſonages, appropriate vicarages,
churches, chapels aduowſons, nominations,
patronages, annuities, rightes, intereſtes,
entries, condicions, commons, leetes, courts,
liberties, priuileges, franchiseſes & other hereditaments
what ſoever they be, belonging to y^e ſame or to any of the (except ſuche
therof, which ſhal happē to come to y^e kings
highneſſe by attainder or attainders of treaſon)
ſhalbe in the order ſuruey & gouernāce of our ſaid
ſoueraigne lord the kings court of Augmentations
of the reuenues of hys crowne, & of the chauncellour,
officers and miniſters of the ſame. And al the ſerues,
iſſues, reuenues and profits, comming & growing
of the premittes, & of euery part thereof (except
before except) ſhalbe ordered taken and receiued
to the kings vſe by the ſayde Chauncellour,
miniſters, and officers of the ſame court, in ſuch
and like maner & forme as the monaſteries,
prioies, ſites, circuites, manours, granges,
meaſes, landes, tenementes, rentes, reuerſions,
ſeruices, tiſhes, penſions, porcions, aduowſons,
patronages, rightes, entries, condicions, and other
hereditamentes late appertaining or belonging
vnto the monaſteries, abbathies, prioies or other
religious houſes, late by authority of parliament
ſuppreſſed, | videlicet 27. H. 8. vn pnt, but in
Baſtals coll Monafteries. 9 | bene ordered ſurueied
& gouerned. Hauing to all & euery perſone
and perſons & bodies

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politike & their heirs & successo^{rs}, and the
heires and successours of al & euery of them
other then the said late abbots, priours, ab-
besses, prioresses, and other ecclesiastical go-
uernours & gouernesses of the said late mo-
nasteries, abbathies, priories, nunries, col-
ledges, hospitals, houses of friers, & other
religious & ecclesiasticall houses & places, &
their successours, & the successour of euery of
them & such as pretend to be founders, pa-
trones or donours of suche monasteries, ab-
bathies, priories, nunries, colledges, hospy-
tals, houses of friers and other ecclesiastical
houses and places, or of any manours, me-
suages, landes tenements, or other heredi-
taments, belonging to y^e same or to anye of
them, their heires and successours, & y^e heirs
& successours of euery such founder, patrō, or
donour: & the nowe abbots, priours, abbess-
es, prioresses, & other ecclesiasticall gouer-
nours and gouernesses of such monasteries,
abbathies, priories, nunries, colledges, hos-
pitals, houses of friers, & other religious &
ecclesiastical houses and places, which here-
after shall happen to be dissolued, suppressed
renounced, relinquished, forfatted, geuen by
or come to the kinges highnesse, & suche as
pretend to be founders, patrons or donours
of such monasteries, abbathies, priories, nū-
ries, colledges, hospitals, houses of friers &
other ecclesiasticall houses and places, or of
any manours, mesuages, landes, tenements
or other hereditamentes to the same belon-
ging

ging, or to any of them, their heires and successours, and the heires and successours of euery of them) all suche right, title, clayme, interest, possession, rents, charges, annuities, leases, fermes, offices, fees, liveries, and lyuings, porcions, pencions, cozrodies, commons, synodes, pzoxies and other pzoptyts, whiche they or anye of them haue clayme, ought, may or might haue had in or to the pzemisses, or to any parte or parcell thereof, in suche lyke manner, fourme and condicion to all intentes, respectes, constructions and purposes, as if this acte had neuer ben had ne made (rents seruices, rēts seck, & al other seruices & suites onely except.)

¶ Provided alwaies & be it enacted by & authoritie abouesaid, that if any late abbot pzior, pzioresse, abbess or other ecclesiastical gouernour or gouernesse abouesaid, with in one yere next befoze the dissolution, suppression, renouicing, relinquishing, forfaiting, geuing vp, or comming to the kings highnes of his late monasterie, abbathie, pziozie, nury, colledge, hospitall, house of friers, or other religious or ecclesiastical howse or place, hath made any lease or graunt, vnder his couent or common seale, or otherwise for terme of life, or for terme of yeres, of the site, circuit, & pzocinct, of his said late monasterie, abbathie, pziozie, nury, colledge, hospitall, house of friers or other religious or ecclesiastical house or place, or of any part thereof, or of any manours, mesuages, granges, landes,

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tenements, personages appropriate, tithes, pencions, porcions, or other hereditamentes whiche belonged or apertained to his saide late monasterie, abbathie, priozie, nunnery, college, hospitall, house of friers, or other religious or ecclesiasticall house or place whiche manours, mesuages, granges, landes, tenements, personages appropriate, tithes pencions, porcions or other hereditaments were not befoze the lame lease commonly vled to be let nor let to term, but kept and reserued in the manurance, tillage or occupacion of the said gouernour or gouernesse, for the maintenance of hospitalitie and good house keeping: or within one yere, as is abouesaide, hath made any lease or graunt for terme of life, or for terme of yeares, or of any manours mesuages, landes, tenements, medows, pastures, woods, parsonages appropriate, tithes pencions, porcions, churches, chappels, or other hereditaments what so euer they bee, whereof or in the whiche, any estate or interest for terme of lyfe, yere or yeares, at the time of the making of anye suche graunt or lease, then had his being or continuance, & the was not determined, finished, or expired: or within the time of one yere, as is abouesaid hath made any lease or graunt for terme of life, or for terme of yeres of any manours, mesuages, landes, tenements, medows, pastures, woods, personages appropriate, tithes, pencions, porcions, churches chapels, or other hereditaments, whatsoeuer they be
vpon

Upon the whiche leases & grauntes, the vsu-
al & olde rents and sermes, accustomed to be
yelden and reuerued by the space of .xx. yeres
next before the first day of this present par-
liament, is & bee not thereupon reuerued and
holden. Or if any iuche gouernour or gouer-
 nesse hath made any bargaine or sale, of hye
 woods, within one yere, as is afoze limited
 whiche woods be yet growing and standing
 that then all & euery such lease graunt, bar-
 gain & sale of wood or woods, shall bee vt-
 terly void & of none effect.

¶ And it is also enacted by aucthoritie a-
 fozesaide, that all feoffementes, fines and re-
 coueries, had, made, knowleged, or suffered,
 by anye gouernour or gouernesse, wythout
 the kings licēce, vnder his great seal, with-
 in one yere next before the dissolution, reuol-
 cyng, relinquishing, forfaiting, geuing by,
 or comming vnto the kings highnesse, of his
 said monasterie, abbathie, priory, nunrie, col-
 ledge, hospitall, house of friers, or other re-
 ligious or ecclesiasticall house or place, or a-
 ny manours, meases, landes, tenemēts, or
 other hereditaments, what so euer they be,
 whiche the saide late abbot, priour, abbesse,
 prioress, and other ecclesiasticall gouernour,
 and gouernesse, or any of thē, or any of their
 predecessors had or helde, of the gift, graunt
 or confirmation of our said soueraigne lord
 or any of his highnesse progenitours, or of
 the whiche monasteries, abbathies, priories
 nunries, colledges, hospitals, houses of
 friers,

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friers, or other religious or ecclesiasticall houses or places, our said soueraigne lord was founder or patron, or which manours, meles, landes, tenemēts, or other hereditaments were of the auncient or olde foundation or possessiō of the said late monasteries abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious or ecclesiastical houses or places, shalbe utterly voide & of none effect.

And it is further enacted by the auctoritie abovesaid, that if any abbot, priour, abbess, prioress or other ecclesiasticall governor or gouvernессe, of any monasterie, abbathie, priorie, nunry, colledge, hospital, house of friers or other religious or ecclesiastical house or place, which hereafter shal happen to be dissolved, suppressed, renounced, relinquished, forfeited, geuen up, or come to the kinges highnes, within one yeare nexte before the first day of this present parliament, have made, or hereafter do make, any lease or graunt, vnder his couent or common seal, or otherwise for terme of yerres, or lyfe or liues, of the site, circuite & precinct of his said monasterie, abbathie, priory, nunry, colledge, hospital, house of friers, or other religious or ecclesiastical house or place, or of any part thereof or of any manours, mesuages, lands, tenements, personages appropriate, tithes, pencions, porcions or hereditaments belonging or appertaining to his saide monasterie,

1. day of
in the
of Aprill
1. 9. 8.

nasterie, abbathie, priozy, nunry, colledge,
 hospitall, house of friers, or other religious
 or ecclesiasticall house or place, whiche ma-
nours, meases, granges, landes, tenemets,
 personages appropriate, tithes pencions, por-
 cions and other hereditamets whatso ever
they be, were not befoze the same lease, com-
monly vled to be let noz let to term, but kept
& reletted in the manurance, tillage or occu-
pacion of y^e said gouernour or gouernesse, for
the maintenance of hospitalitie & good house
keeping, or now be in the manurace tillage or
occupacio of y^e said gouernour or gouernesse
for the maintenace of hospitalitie and good
house keeping: or Win one yere, next befoze y^e
first day of this p^resent parliament, hathe
made, or hereafter shall make anye lease or
graunt for terme of life, or for terme of yeres
of any manours, meases, landes, tenemets
medowes, pastures, woods, personages,
appropriate, tithes, pencions, porcions chur-
ches, chappels, or other hereditaments what
soeuer they be, wherof and in the which any
estate or interest for terme of life, yere or ye-
res, at the time of the making of anye suche
graunt or lease, then had his beinge or con-
tinuance, or hereafter shall haue his being
or continuance, & y^e was not determined, fi-
nished or expired, or at the tyme of anye such
lease to be made, shal not be determyned, fi-
nished or expired, or wythin one yere next
befoze the first day of this p^resent parliament hath
made

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made or hereafter shall make any lease or grant for terme of life, or for term of yeres of any manours, mesuages, lands tenements medowes, pastures, woods, personages appropiate, tithes, pensions, porcions, churches chapels or other hereditaments what soever they be, upon the whiche leases and graunts the vsual and olde rents & termes, accustommed to be yelden & reserued, by the space of xx. yeres, next before the said first day of this present parliament, is or be not, or hereafter shall not be thereupon reserued & yelden: Or of any such gouernour or gouernesse, of anye such monasterie, abbathie, priory, nunnry, college, hospitall, house of friers, or other religious or ecclesiasticall house or place, which hereafter shall happen to bee dissolved suppressed, renounced, relinquished, forfeited, geuen by or come to the Kings highnesse, within one yere next before the first daye of this present parliament hath made, or hereafter shall make any bargain or sale of his woods whiche woods be yet growing and standing, that then all & euery suche lease grant bargain & sale of wood or woods, shall bee utterly boide & of none effect.

¶ And it is also enacted by thauthozite aforesaide that all feoffementes, fines & recoveries had, made knowledged or suffered, within one yere next before the first daye of this present parliament: or hereafter to be had made, knowledged or suffered by any gouernour or gouernesse of any monastery, abbathe

thie

Monasteries. 159

thie. priory, nunnry, colledge, hospitall, house
of friers or other religious or ecclesiastycall
house or place, whiche hereafter shall hap=
pe to be dissolued, suppressed, renounced, re=
linquished, forfeited, geuen vp, or come to
kinges highnesse, without the kings licence
vnder his great seale, of any manours, mea=
les, lands, tenements or other hereditaments
whatsoeuer they be, which the saide abbots,
priours, abbesses, prioresses, and other ec=
clesiasticall gouernours and gouernesses,
whiche hereafter shall happen to bee dissol=
ued, suppressed, relinquished, forfeited, geuen
vp or come vnto the kings highnesse, as is
aforesaide or any of the, or any of their pre=
decessours, had or helde, or haue and holde
of the gift, graunt or confirmacio of our said
soveraigne lord, or of any of his highnesse
progenitours, or of the which monasteries,
abbathies, priories, nunnies, colledges, hos=
pitals, houses of friers, or other religious &
ecclesiasticall houses and places, our sayde
soveraigne lord is founder or patrone, or
whiche manours, meales, lands, tenements
or other hereditamentes, were or bee of the
auncient or olde foundation or possession of
the said monasteries, abbathies, priories, nu=
ries, colledges, hospitals, houses of friers, or
other religious or ecclesiasticall houses or
places, shal bee vtterlye voyde and of none
effect.

¶ Provided alway, and be it enacted by
auctoritie abovesaide, that if any abbot
prior,

Monasteries.

prioze, abbesse or priozeffe, or other gouernoz
 or gouernesse abouesaid, within one yere nexte
 before the first day of this present parliamēt
 or if any late abbot, priour, abbesse, priozeffe
 or other late gouernour or gouernesse aboue
 said, within one yere next before any such disso-
 lution, suppression, renoucing, relinquishing
 forfaiting, geuing vp, or cōming to y^e kinges
 highnesse, of the premisses or of any parcell
 therof as is aforesaid, haue made any demise
 lease or graunt to any person or persons, for
 terme of yeres of any manors, meases, lāds,
 tenements, personages appropriate, tythes,
 pencions, porcions, or other hereditaments
 aforesaid, which person or persons at y^e time
of the said demise, lease or graunt, had & held
y^e same to ferme for terme of yeres then not
expired: that then y^e said person or persons to
whom any such demise, lease or graūt hath
ben so made, shal haue & hold y^e s^ame for y^e term
of .xxi. yeres only, frō the time of the making
of the said demise, lease or graunt, if so many
yeres be by the same demise, lease or graunt
specified, limited & expessed, or els for so
many yeres as in suche demise, lease or grāt
ben expessed, so y^e the old rent be thereupon
reserued, & so y^e the same lease or leases ex-
cede not .xxi. yeres, this act or any thing ther
in contēned to the contrary notwithstanding.
 ¶ Se Plod Cō. fo. 106. & after Fulmerstō &
Stewards case.

¶ Provided also, & be it enacted by thau-
thoritie abouesaid, y^e if any abbot, prioze, ab-
besse, priozeffe or other late gouernoz or go-
uernesse,

uerneſſe, & in one yere next befoze any ſuche diſſolution, ſuppreſſion reuoſicing, relinquit- ſhing, forſaiting, geuing by oꝛ comming vn- to the kings highnes, of the premiſſes, oꝛ of any parcel therof, as is afozeſaid, haue made any demife, leaſe oꝛ graunt to any perſon oꝛ perſons, foꝛ term of life oꝛ liues of any ma- nours, meales, lands, tenements, perſona- ges appropziate, tithes, pencions poꝛcions oꝛ other hereditaments afozeſaid, which per ſon oꝛ perſons oꝛ any of them, at the time of ſaid demife, leaſe oꝛ graunt had & held & ſame foꝛ terme of life oꝛ liues, oꝛ foꝛ term of yeres then not expired: & then the ſaid perſon oꝛ per ſons, to who any ſuche leaſe oꝛ graunt hath ben ſo made, ſhal haue & holde the ſame foꝛ terme of their life oꝛ liues, ſo & the olde rent be therupon reſerued: This act oꝛ any other thing therein contained to the contrary ther- of notwithstanding.

¶ Provided alſo & be it enacted by ſ aucthoꝛitie afozeſaid, that al & ſingular leaſes & graunts made by copy, to any perſon oꝛ per ſons of any of the laide meſuages, landes tenements, perſonages appropziate, tithes, pe- cions, poꝛcions oꝛ other hereditaments afozeſaid, foꝛ term of life oꝛ liues, which by ſ cuſtome of the countrey hath ben vſed to be demifed letted oꝛ graunted by copy of court Roll, ſhal be good & effectual in the law, ſo that ſ olde rent be reſerued by & vpo euery ſuch leaſe & leaſes: this act oꝛ any thing therein cōteined to the contrary in any wiſe notwithstanding.

¶ Provided

Monasteries.

¶ Provided alway & be it further enacted by thauthoritie aforesaid, that al leases heretofore made, of any & pzemisses, by au-
thoritie of our soueraign lord & kings court
of augmētaciōs, of & reuēnues of his crown
& al such leases, feoffements & wood sales,
made by the said gouernours & gouernesses,
or any of them, vnder their couent seales, or
vnder & couent or cōmon seale of any of the,
Whin one yere next before & dissolucion, sup-
pression, renouncing, relinquishing, forsay-
ting, geuing by or cōming to & kings high-
nes, of & said monasteries, abbathies, pryo-
ries, nunries, colledges, hospitals, houses of
sriers or other religious or ecclesiastical hou-
ses or places, which said leases, graunts fe-
offements & wood sales, haue ben examined,
enrolled, decreed or affirmed, in our said so-
ueraign lord the kings court of augmenta-
tions, & the decree of the same put in wyrt-
ing, sealed wth & seale of & said court of aug-
mentaciōs, shalbe good & effectual accoꝝding
to & same decree: any clause or act, heretofore
in this presēt act to & cōtrary notwithstanding.
¶ Provided alway & be it also further enacted by & authority abouesaid, & if any persō
or persōs, haue iustly & truely, Whout fraude
or coun, paid or geuen any sūme or sūmes
of money to any the said late gouernours or
gouernesses, for the bargaine & sale of anye
woods, being & growing in or vpon any ma-
noꝝ, lands, tenements, or hereditamentes,
which appertained or belonged to & said late
monasteries

monasteries, abbathies, priories, nūries, colleges, hospitals, houses of friers, or other religious or ecclesiastical places, or unto any of the which bargain & sale, by aucthority of this act, is made void & of none effecte, & by meane thereof, y^e kings highnes may haue & take the commoditie and profite of suche woodes, so bargined and solde: that then the Chauncellour and other officers of our said soueraigne lord the kings courte of augmentacions, or thzee of them, whereof the Chauncellour for the time being shall be one of our said soueraigne Lord the kings treasurer, remaining in the Treasorie of the same court, shall satisfie and recompence, euery such person and persones, such summe of money or other recompence, as the same Chauncellour and officers, or thzee of them, whereof the said Chauncellour shall be one, shall think meete and conuenient. And if any other person or persones, shall happen to take profite and commoditie, by reason of aduoidinge of such woode sales by aucthoritie of thys acte, that then euery person and persones, which may or shall take such profite, shall be ordered for satisfaccion to be made to the parties, that shall happen to be greued by this acte, by the said Chauncellour and other the officers of the same courte.

¶ Provided also, and be it further enacted by thiaucthority abouesaide, that al and euery person and persones their heires and assigns, which liuen the saide vij. day of 1st c.

Monasteries.

byuarie, by licence, pardone, confirmacion, release, assent, or content of our said soueraign lord the king, vnder his greates leale heretofore geuen had or made, or hereafter to be had or made, haue obtained or purchased, by indenture, fine, feoffemēt, recovery, or otherwise, of y^e said late abbotes, priors, abbesses, prioresses, or other gouerneors or gouernesses of any such monasteries, abbathies, priories, nūries colledges, hospitals, houses of friers, or other religious & ecclesiastical houses or places, any monasteries, priories, colledges, hospitals, manours, lāds, tenements, medowes, pastures, woods, churches, chapels, psonages, tithes, pensions, porcions, or other hereditaments, shal haue & enioy y^e same, according to such writings & assurāces. as vntherof befoze the first day of this present parliament, or hereafter shall be had or made.

¶ Sauing to al & euery person & persons, & bodies politike their heires & successours: & to the heires & successours of euery of thē, other thē y^e said late abbots, abbesses, priors, prioresses, & other gouerneors & gouernesses & their successours, & the successours of euery of them, and suche as pretend to be founders, patrons or donours of the said monasteries, abbathies, priories, nūries, colledges, hospitals, and other religious or ecclesiastical houses or places: or of any of them, or of any manours, messuages, landes, tenements, or other hereditamentes late belonging to the same, or to any of them, and their heires, successours

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successours, and the heires and successours of euery such founder, patron or donour) all such right, title, interest, possession, rents, annuities, commodities, offices, fees, liueries, and livinges, porcions, pencions, cozodyes, synodes, proxies, and other profittes, whiche they or any of them haue ought or mought haue had, in or to any of the said monasteries, abbathies, priories, colledges, hospitals, manours, landes tenementes, rentes, seruyces, reuerfions, tithes, pensions, porcions, or other hereditamentes, at anye tyme before anye suche purchase, indentures, fynes, feoffementes, recoueryes, or other lawfull meane, betwene anye suche partyes, had or made, as is abovesaide, thys act or any thing therin contained to y contrary notwithstanding.

¶ And where our saide soueraigne Lorde with the fourth day of februarye, the sayde xxvij. yere of the raigne of our said soueraign lord, hath obtained and purchased, as wel by exchaunges, as by giftes, bargaines, fynes, feoffements, recoueries, dedes, enrolled, and otherwise, of dyuers and sundrye persones, manye and diuers honours, castelles, manours, landes, tenementes, medowes, pastures, woodes, rentes, reuerfions, seruyces, and other hereditamentes, and hathe not onelye payde dyuers and sundrye greate summes of money for the same, but also hathe geuen and graunted for the same, vnto dyuers and sundrye persones,

Æ. ij.

diuers

Monasteries.

diuers and sundrye manours, landes, tenementes, and hereditamentes, and other recompenses, in and for ful satisfaccion of all such honours, castels, manours, landes, tenementes, rentes, reuerfions, seruices, and other his hereditamentes, by his highnes obtained or had as is aboue said. Be it therefore enacted by the aucthoritie abouesaide, that our saide soueraigne lord the king, his heires and successours, shall haue, holde possede and enioy, all such honours, castels, manours, landes, tenementes, and other hereditamentes, as his highnes sith the said iij. day of February, the xxvij. yere abouesaide, hath obtained and had, by way of exchange bargaine, purchase, or other what soeuer meane or meanes, according to the true meaning & intet of his highnes bargain exchange or purchase, misrecital, misnaming, or nonrecital, or not naminge of the saide honours, castels, manours, landes, tenementes, and other hereditamentes, comprised or mencioned in the bargaines or swyttinges, made betwene the kinges highnes and anye other partie or parties, or of the townes or counties, where the saide honours, castels, manours, landes, tenements and hereditamentes lye and ben, or any other matter or cause what soeuer it be in any wyse notwithstanding.

¶ Having to all and euerye persone and persones, and to their heires, bodies politike and corporate, and to their successours. and
to

to euery of them. (other than such person and persones and their heires, and their wyues, and the wyues of euery of them, bodies politike and corporate and their successours and euery of them, of whom the kinges highnes hath obtained, by exchange, gifte, bargain, fine, feoffment, recouerie, deede enrolled or otherwise, any such honours, castels, manours, landes, tenementes, and other hereditamentes, as is aforesaide) all such right title, vse, interest, possession, rentes, charges, annuities, commodities, fees, and other profits, (rentes, seruices, and rentes seckes, only except.) which they or any of them haue might or ought to haue had, in or to the premisses so obtained and had, or in or to anye parcell thereof, if this acte had neuer be had nor made, this present acte or any thing therein contained to the contrary notwithstanding.

¶ And where it hath pleased the kinges highnes of his most abundant grace & goodness, aswell vpon diuers and sundry considerations his maiestye specially mouinge, as also otherwise, to haue bargained, solde, charged, or geuen, and graunted, by his graces seuerall letters patentes, indentures or other writings, aswell vnder his highnes greates seals, as vnder the seale of his highnes Duchy of Lancaster, and the seale of the office of the augmentacions of his crowne, vnto diuers and sundry of his louing and obedient subiectes, diuers and sundry honours, castels,

Monasteries.

castels, manours, monasteries, abbathyes, priories, landes, tenements, rentes, reuerſions, ſeruices, iurisdictiones, appropriated, aduowſons, liberties, tiſhes, oblations, poſſeſſions, penſions, franchiſes, priuiledges, liberties, and other hereditamentes, commodities, and proſites, in fee ſimple, fee taile, for terme of life, or for terme of yeres. For auoiding of which ſaide letters patentes, and of the contentes of the ſame, diuers ſundrye and many ambiguities, doubtess, and queſtions, might hereafter ariſe, be moued, & ſtirred, alſwell for miſrecitall or nonrecitall, as for diuers other matters thinges or cauſes to bee alledged objected or inuented againſt the ſaide letters patentes, as alſo for lacke of finding of offices or inquiſicions, whereby the title of his highnes therein ought to haue bene founde, befoze the making of the ſame letters patentes, or for miſrecitall or nonrecitall of leaſes, as well of recordes as not of recordes, or for lacke of the certaintye of the values, or by reaſon of miſnaming of the honours, castels, manours, monasteries, abbathies, priories, landes, tenementes, & other hereditamentes, compriſed and mencioned within the ſame letters patentes, or of the townes and counties, where the ſame honours, castelles, manours, monasteries, abbathies, priories, landes, tenementes, rentes, and other hereditamentes, lien and ben as for diuers and ſundrye other ſuggeſtions and ſurmises, which hereafter mighte happen

pen to bee moued, surmised, and procured, againste the same letters patentes, all be it the wordes in effecte contained in the sayde letters patentes bee accoꝝdinge to the true intent and meaninge of his moste Royall maiestye.

• **¶** Be it therefore enacted by the aucthority of this present parliament, that as well al and euery the saide letters patentes, indentures, oz other wꝛitinges and euerye of them, vnder the scale oz scales, abovesayde oz anye of them, made oz graunted by the kinges highnes, vpon the saide fourth daye of Februarye, the said xxvij. yere of his most noble Raigne, as all and singuler other hys graces letters patentes, indentures oz other wꝛitinges, to bee had made oz graunted, to anye persone oz personnes, within thzee yere nexte after the makinge of this present acte, of anye honours, castelles, manours, monasteries, abbathies, priories, nunryes, colledges, hospitals, houses of friers, oz of other religious oz ecclesiasticall houses oz places, sites, circrites, procinctes, landes, tenementes, personages, tithes, pensions, poꝛcions aduowsons, nominacions, and al other hereditamentes, and possessions, of what kinde nature oz qualite so euer they bee, oz by what so euer name oz names they oz any of them be named, knowen oz reputed, shall stande and be good, effectuell and auailable in the lawe of thys Realme to all respectes, purposes, constructions, & intentes,

R. iij. againste

Monasteries.

against his maiestie his heires and successours, without any other licence, dispensacion or tollerance, of the kinges highnes his heires and successours, or of any other person or persones what so euer they be, for anye thinge or thinges contained or hereafter to be contained in any such letters patentes indentures or other wrytinges: any cause, consideration; or thing materiall, to the contrary in any wise notwithstanding.

Having to all and singuler persons, bodies politike and corporate, their heires and successours, and the heires and successours of euery of them (other then his highnes his heires and successours, and the saide gouernours and gouernesses and their successours, donours, founders, and patron afozenamed and their heires and successours, and al other persons claiming in their rightes, or to their vse, or in the righte or to the vse of anye of them) al such right, title, claime, interest, possession, reuerſion, remainder, offices, annuities, rent charges, and commons, which they or any of them, haue ought or mought haue had, in or to any of the said honours, castels, manours, monasteries, abbathies, priories, landes, tenementes, and other hereditamentes, in the said letters patentes made, or hereafter to be made, comprised at any time before the making of the said or such letters patentes. This acte or any thinge therin contained to the contrary notwithstanding.

And where diuers and sundry abbotes, priories,

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priories, abbesses, prioresses, and other ecclesiasticall gouernours, and gouernesses of the saide late monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers and other religious and ecclesiasticall houses and places, haue had possessed and enioyed diuers and sundry personages, appropriated, tithes, pensions, and porcions, and also were acquitted and discharged of & for the paiement or paymentes of tithes to be payde out or for their said monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, and other religious & ecclesiasticall houses and places, manours, mesuages, landes, tenementes, and hereditamentes. Be it therefore enacted by the authoritie abouelato, that aswell the king our Soueraigne lord, his heires & successors, as al & euery such person & persons their heires & assignes which haue or hereafter shal haue any monasteries, abbathies, priories, nunries, colleges, hospitals, houses of friers, or other ecclesiastical houses, or places, sites, circuits, precinctes, of the same, or of any of them, or any manours, mesuages, personages, appropriate, tithes, pensions, porcions, or other hereditaments what soener they be, which belonged or appertained, or which now belong or appertene, vnto the said monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, or other religious and ecclesiasticall houses or places, or vnto any of them, shall haue, holde, reteine, kepe, and enioy

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Wils.

enjoy, aswell the saide personages, appropriate, tithes, pensions, and porcions of the said monasteries, abbathies, priories, nunries, colledges, hospitals, houses of friers, & other religious and ecclesiasticall houses and places, sites, circutes, p[ro]cincts, manours, meases, landes, tenementes and other hereditamentes, what so euer they bee, and euerpe of them, accordeinge to their estates and titles. Discharged and acquitted of payment of tythes, as freelye and in as large and ample maner, as the saide late abbotes, priours, abbesses, prioresses, and other ecclesiasticall gouernours and gouernesses, or any of them had, helde, occupied, possessed, vsed, reteined, or enjoyed the same, or anye parcell thereof, at the daies of their dissolucion, suppression, renouncing, relinquishing, forfaiting, geuing vp or comminge to the kinges highnesse, of such monasteries, abbathies, priories, nunries, colledges, hospitals, house of friers, or other religious or ecclesiasticall houses or places, or at the day of the dissolution, suppression, renouncing, relinquishing, geuing vp or comming to the kinges highnesse of anye of them, this acte or any thinge therein contained to the contrary notwithstanding. | Anno 32. H. 8. ca. 7.

¶ Having to the kinges highnesse his heires and successours, all and all manner of rentes, seruices, and other duyties, what so euer they bee, as if this acte had neuer bene had nor made.

¶ And

Monasteries. to. 166

And be it further enacted by aucthority of this present parliament, that suche of the saide late monasteries, abbathies, priories, nuntries, colledges, hospitals, houses of fryers, and other religious and ecclesiasticall houses and places, and all churches and chapels, to them or anye of them belonginge, whiche befoze the dissolucion, suppression, renouncing, relinquishing, forsaiting, geuing by or comminge vnto the kinges highnes, were exempted from the visitacion or visitacions, and all other iurisdiction of the ordinary or ordinaries, within whose diocesse they were situate or set, shal from henceforth be within the iurisdiction and visitacion of the ordinary or ordinaries, within whose diocesse they or any of them be situate and set, or within the iurisdiction and visitacion of such persone or persones, as by the kinges highnesse shal be limited or appointed: this acte or any other exemption, libertie or iurisdiction to the contrary notwithstanding. &c. | A Confirmation of the duke of Northfolke his purchase of Sippen monasterie, and of the lord Cobhams purchase of Cobham chaunterie.

Wils.

An acte how by the kinges graunt, landes
tenementes. &c. may be by will, testament
or otherwise disposed, and concerning
wardes and Primer seafons. 32. H.
8. Cap. 2. Wills. 2.



Here the kings most ro-
al maiestie, in al the time
of his most gracious and
noble Raigne, hath euer
bene merciful, louing and
beneuolent, and most gra-
cious soueraigne Lorde
vnto all and singuler his
louing and obedient subiectes, and by manye
times past, hath not onely shewed & impar-
ted to them generallie, by his many and of-
ten great and beneficiall pardons heretofore
by auctorities of his parlamentes graun-
ted, but also by diuers otherwaies & meanes
many great and ample grauntes and benig-
nities, in such wise as al his saide subiectes,
bene most bounden, to the vttermost of all
their powers and graces by them receyued
of God, to render and geue vnto his maiesty
their moste humble reuerence and obedient
thankes and seruices, with their dailye and
continuell praier to al mightye God, for the
continuell preservacion of his most Roiall
estate, in most kingly honour and prosperitie
yet alwaies his maiestie being replete & en-
dowed by God, with grace goodnes, and li-
beralitie, most tenderly considering that his
sayde

saie obedient and louinge subiectes, can not
ble oz exercise them selues, according to their
estates, degrees, faculties, and qualities, oz
to beare themselves in such wise as that they
may conueniently kepe and maintein theyr
hospitalities and families, nez the good edu-
cations and bringing vp of their lawfull ge-
neracions, whiche in this Realme laude beo
to God, is in all partes ver y great and abun-
dants, but that in maner of necessitie, as by
daily experience is manifested and known
they shal not be able of their p[ro]per goodes
cattals and other monable substance, to dis-
charge their debts, and after their degrees
set forth and aduance their children & poste-
rities. Wherefoze our saide soueraigne lord
most vertuously considering the mortallitye
that is to every person, at Gods Will & plea-
sure, most common and vncertain, of hys
most blessed disposicion and liberalitie, being
willing to relieue and helpe his saide subiec-
tes, in their saide necessities and debilitie, is
contented and pleased, that it be ordeined, &
enacted, by authozity of this p[re]sent parlia-
ment, in maner and forme as hereafter fo-
loweth, that is to say, that all and euerye
persone and persones, hauinge, oz whyche
hereafter shall haue, anye manours, landes,
tenementes, oz hereditamentes, holden in
socage, oz of the nature of socage tenure, &
not hauinge any manours, lands, tenemen-
tes, oz hereditamentes, holden of the kings
our soueraigne Lord by knightes seruice, oz
by

VVils.

by socage tenure in chiefe, or of the nature of socage tenure in chiefe, nor of any other person or persones by knightes service, from the xx. day of July in the yere of our Lorde God M. v. C. & xl. shall have full and free libertie, power, and auctoritie, to geue dispose, will, and deuise, as well by his last will and testament in writing, or otherwise, by anye acte or actes, lawfully executed in hys life, all his saide manours, landes, tenementes, or hereditamentes, or anye of them, at his free will and pleasure, any lawe, statute, or other thing, heretofore had, made or vled to the contrary notwithstanding.

¶ And that all and euery person and persons, hauing manours, landes, tenementes or hereditamentes, holden of the king our soueraigne Lord his heires or successours in socage, or of the nature of socage tenure in chiefe, and hauing any other manours, landes, tenementes, or hereditamentes, holden of any other person or persones in socage, or of the nature of socage tenure, and not hauing, anye manours, landes, tenementes, or hereditamentes, holden of the king our soueraigne Lord, by knightes service, nor of any other lord or person by like service, from the xx. day of July, in the saide yere of our lordes God M. v. C. and fortye, shall have full and free libertie, power, and auctority, to geue, will, dispose, and deuise, as well by hys laste will or testament in writing, or otherwyse, by anye acte or actes lawfullye executed in
his

his life, al his saide manours, landes, tenementes, and hereditamentes, or any of them, at his free will and pleasure, any law, statut, custome, or other thinge, heretofore had made or vsed to the contrary notwithstanding. Saving alwaye and reseruinge to the kinge our Soueraigne Lorde his heires and successours, all his righte, title, and interest of primer seison, and reliefes, and also all other rightes, and duityes, for tenure in socage, or of the nature of socage tenure in chiefe, as heretofore hath bene vsed and accustomed the same manours, landes, tenementes, or hereditamentes, to bee taken, had and sued out of and from, the handes of hys highnesse hys heires and successours, by the person or persones, to whom anye suche manours, landes, tenementes, or hereditamentes, shal bee disposed, willed or deuysed in suche and like maner and fourme, as hath bene vsed by anye heire or heires befoze the makinge of this estatute.

¶ And saving and reseruinge also, fynes for alienacions, of suche manours, landes, tenementes, or hereditamentes, holden of the kinge our Soueraigne Lorde, in socage or of the nature of socage tenure in chiefe, whereof there shall be any alteration of free holde or inheritaunce made by will or otherwise as is aforesaide.

¶ And it is further enacted by authoritye aforesaide, that all and singular personne, and persones, haupnge anye manours, landes,

landes, tenements, or hereditamentes, of estate of inheritance, holden of the kynges highnesse in chiefe by knightes seruice. or of the nature of knightes seruice in chiefe from the saide twenty day of July, shal haue full power and aucthoritie by his last wil by writing, or otherwise by any acte or actes lawfully executed in his life, to geue, dispose, wil or assigne, two partes of the same manours, landes, tenementes, or hereditamentes, in thzee partis to be deuided, or els as muche of the saide manours, landes, tenementes, or hereditamentes, as shal extende or amounte to the yerely value of two partes of the same in thzee partes to bee deuided in certaintye, and by special diuisions, as it may be known in seueralty, to and for the aduancement of his wife, preferment of his children, and payment of his debts, or other wise at his wil and pleasure, any lawe, statute, custome or other thinge, to the contrary therof notwithstanding. Sauing and reseruing to the king our soueraigne Lord, the custodie, wardship and primer seison, or any of them, as the case shal require, of as much of the same manours landes, tenementes, or hereditamentes, as shal amount and extend to the full and clere yerely value, of the thirde part thereof, without any diminucion, dowry, fraude, couyn, charge or abridgement of any of the same third part or of the full profits thereof. Sauinge also and reseruinge to the kinge our soueraigne Lord, all fines for alienacions, of all suche manours,

manours, landes, tenements, and hereditaments, holden of the king by knight seruice in chiefe, wherof there shalbee any alteration of freeholde or inheritance, made by will or otherwise, as is abouesaid.

And be it enacted by auctoritie aforesaid, that all and singuler person & persones having manours, landes, tenements or hereditaments of estate of inheritance, holden of the king in chiefe by knightes seruice, & having other manours, landes, tenementes, or hereditaments, holden of the king, or of any other person or persons by knightes seruice, or otherwise, euery suche person & persons, from the said. xx. day of July shall haue full power & auctoritie to geue, dispose, will or assigne, by his last will in writing, or otherwise by any act or acts lawfullye executed in his life, two partes of the same manours, landes, tenements or hereditaments, in thre partes to bee deuided, or els as much of the same manours, landes, tenementes & hereditaments, as shall extend or amount to the perely value of two parts of y^e same, in thre partes to be deuided in certaintye, & by speciall deuisions, as it may bee knownen in seueralltye, to and for the aduancement of hys wyfe, preferment of his childzen, & payment of his debts, or otherwise at his wyll and pleasure, any lawe, statute custome or other thynge to the contrary thereof notwithstanding. **S**aving alway and reseruing to the king our soueraigne lord, y^e custody, ward-

y. i.

ship,

Willes.

ship, and primer season, or any of them, as y^e case shal require, of as much of the same manours, lands, tenements or other hereditaments, as shal amount & extend to the full and cleare perely value of the thirde part thereof, without any manner diminution, dower, fraude, coun, charge, or subtraction of the same thirde part, or of the full profits thereof. Having alway and reseruing to our said soveraign lord the king, al fines for alienation, of any such manours, lands, tenements, or hereditaments, holden of the king by knights service in chiefe, whereof there shal be any alteration of frehold or inheritance, made by will, or otherwise, as is above said.

¶ Be it further enacted by the auctoritei abovesayde: that if any persone or persons holde any manours, landes, tenements or hereditaments onely of any other lord or personne, then of the kyng our saide soveraign lord by knyghtes service, and other landes and tenements in socage, or of the nature of socage tenure, that then every suche personne, shall or may geve, dispose or assure by hys laste will or otherwise, by any act or actes lawfully executed in his life, two partes of the saide manours, landes, and tenements, holden by knyghtes service, or of as much thereof, as shal amount to the full yearly value of two partes, in manner and forme as is above declared: And also all the landes and tenements holden by socage, or of the nature of socage tenure, at
hys

hys will and pleasure as is aboue wytten,
 Sauing and reseruing to the lord of the
 landes and tenements holden by knyghtes
 seruice, for hys custodie and wardshyppe, as
 muche of the same landes and tenements, as
 shall extende or amount to the full and clere
 yerely value of the thirde parte of the same
 landes and tenements holden by knyghtes
 seruice, wout any diminucion, dower, fraude
 couin, charge, or subtraction of any poycon
 of that third part, or of the clere yerely value
 therof, in maner & fourme aforesaid.

¶ And be it further enacted by the autho=
 ritie abouesaid, that if any person or persons
 holde any manours, landes, tenementes or
 hereditaments onely of the king oure soue=
 raigne lord by knyghtes seruice and not in
 chiefe, or hold any manours, landes, tene=
 mentes or hereditaments of our saide soue=
 raigne lord by knyghtes seruice, and not in
 chiefe, and also holde, other manours, landes
 tenementes and other hereditaments of any
 other person or persones by knyghtes ser=
 uice, and also holde other manours, landes
 tenementes or hereditamentes of anye other
 person or psons in socage, or of the nature
 of socage tenure, & then al & euery such pson
 & psons, shall & may geue, dispose, will de=
 uise, & assure, by his last wil or other wise, by
 any act or acts lawfully done & executed in
 his life, two parts of the same manours, landes
 tenementes & hereditamentes, holden of our
 sayde soueraygn lord the kyng by knyghtes
 seruice

Willes.

seruice, & two partes of the manors, landes, tenements and hereditamēts, holden of any other person or persones by knights seruice, or as much of eyther of them as shal amount to the full yerely value of two partes, in maner and fourme as is aboue declared: & also of all his landes and tenements, so holden in socage, or of the nature of socage tenure at his free will and pleasure. Sauing & reseruing to the kings highnes, the custodye and wardship of as much of the same manours, lands, tenementes, or other heredytaments as shal extende and amount to the full and clere yerely value, of the thirde part of the saide manours, landes, tenements, and hereditamēts so holdē of his highnes by knights seruice, without anye diminucion, dower, fraud, couin, charge, and subtraction, of any porcion of that thirde part, or of the full profits thereof. And also sauing and reseruing, to the lordes of whom any of the said manours, landes, tenements or other hereditaments, ben holden by knightes seruice, for custodye and wardship, as muche of the same mannours, landes, tenementes or hereditamentes holden of them or anye of them, by knightes seruice, as shal extende & amount to the full and clere yearely value, of the thirde parte of the same, without any diminution. charge, fraude, couin, or subtraction of any porcion of that thirde, or of the cleare yerely value of y third part thereof, in maner & fozme aboue declared.

¶ Prouis

Prouided alway, & it is further enacted by the aucthoritie aforesaide, that if that thirde part of the manours, lands, tenements or hereditaments, of any of the kings subjects, which in any of the cases abovesayde, shall hereafter come to the kings highnesse, his heires or successours, by vertue of thys act, as is abovesaid, be not, or do not, amount to the cleare perely value of the thirde part, of all the said manours, landes, tenements, or other hereditaments, wherof the kings highnesse is or shalbe intituled to haue the custody or primer seison, as is abovesaid: that the our said soueraigne lord and his heires shal & may at his or their free liberty and pleasure take into his or their hands and possession, as much of the other two parts of the said manours, landes, tenements and other hereditaments, as with that of the same manours, landes, tenements or hereditaments holden, remaining in y^e kings hands, shall make up the cleare perely value of the full thirde parte of the saide manours, landes and tenements so to be had to the kings highnes in title of wardship, & primer seison, or any of the, as the case shal require, and like benefit & advantage to be geuen to every lord & lordes, of whom any such manours, lands, tenements or hereditamentes, ben or shalbee holden by knights seruice, as is abovesaid, concerning only his thirde part, of or for title of wardship.

Prouided alway, & be it farther enacted by the aucthoritie aforesaid, y^e every pson

Willes.

and persons shall sue their liveries, for possessions, reuerciōs or remainders, & also pay reliefs & heriots, after such maner & sortime as they should or ought to haue done, before the making of this acte & as if this acte had neuer bē made. And y^e fines for alienations, shal be paid in y^e kings chācery, for and vpon writs of entre in y^e poſte, to be obtained in y^e ſame court of chācery, after y^e ſaid .xx. day of July, for cōmon recoveries to be had or ſuffered of any manours, landes, tenements or hereditaments holden of the king in chiefe: in like maner & ſortime as is vſed vpon alienations of ſuche manours, lands, tenements or hereditaments, ſo holden in chiefe, by fine or ſcoffement.

¶ Provided alſo, & be it enacted by y^e authority aforeſaid, y^e in ſuch caſes, wher fines for alienations ſhalbe paid in y^e kings Chācery for writs of Entre in the poſte, as is aforeſaide, that then none other fine ſhalbee paid in the ſame court for any ſuche writs: any vſage or cuſtome to the contrary therof notwithstanding.

¶ And bee it further enacted by the authority aforeſaid, that where two or more perſons now hold, or hereafter ſhal hold, any manours, lands, tenements or hereditaments, of the king our ſoueraigne lord by knights ſeruiſe, iointly to them, & to the heires of one of them, & he that hath the inheritance thereof dieth, his heir being within age, y^e in euery ſuch caſe, the king ſhal haue the ſwarde & marriage

marriage of the body of such heir so being ~~w~~
 in age, the life of the freholder or freholders
 of the said manors, landes, tenements or here=
 ditaments so holden by knights seruice, not=
 withstanding. Sauing and reseruing to all
 & euery woman & women, all & euery such
 right, title & interest of dower, as they or a=
 ny of them, owe to haue, or be, or shalbe, iust
 ly intituled to haue, claime or demanda of a=
 ny manours, lands, tenements or heredita=
 ments by the lawes of this realme, to be taken
 or assigned vnto them or any of them, out of
 the two parts of the said manours, lands, te=
 nements or hereditaments seuered & deuidd
 from the thirde part, as is abovesaid, & not
 otherwise. And sauing also to the kyng our
 soueraigne lord, his heires & successours, the
 reuerfions of al such tenants in ioint tenure
 & dower, immediately after the death of such
 tenants, if they shal happen to die, during y
 minozitie of the kings wardes. *Postea. 194*
statute de explanatione de reft statute

¶ An acte for the limitation of pres=
 cription. 32. H. 8. Cap. 2.

¶ Limitation. 3.



As much as the time of limita=
 tio apointed for shewing of writs
 of right, & other writs of possessiō
 & lease of mens auncestors or pre=
 decessors, or of their owne possessiō or lease,
 by y laws & statutes of this realme heretofore
 y. iiij. made,

Limitation.

made, limited and appointed | v3. Hert cap.
8. W. 1. ca. 39. W. 2. ca. 2, & cap. 46. | extende &
be of so farre and lōg time past, that it is a=
boue the remembraunce of anye liuing man,
truely to trye & knowe the perfect certaintye
of such things, as hath or shall come in trial
or doe extende vnto the the time & times ly=
mitted by the said lawes & statutes, to the
great daunger of mens consciens, that haue
or shall be impanelled in any Jurye for the
tryall of the same: and also it is a great occa=
sion of muche trouble, vexation and suits to
the kinges louing subiectes, at the common
lawes of this realme, so y no man although
he and his auncestours & those whose estate
he or they haue, haue ben in peaceable posses=
sion of a long season, of & in lāds tencmētis &
other hereditaments, is or cā be in any suer=
ty, quietnes or rest, of & in the same, with=
out a good remedy and refozmatio bee had,
made and prouided for the same. Be it ther=
fore enacted by the king our soueraign lord
the lordes spirituall and tempozall, and the
commons in this present parliament assem=
bled, and by the aucthoritie of the same, that
no maner of persone or persones, shall from
henceforth sue, haue or maintein, any writ
of right, or make any prescription, title or
clayme, to or for any manours, landes, tene=
mentes, rentes, annuities, commons, pencio=
ns, porcions, corodies, or other heredita=
ments, of the possession of his or their aun=
cestour or predecessour: and declare & allege
any

any further season or possessiō, of his or their auncestour or predecessour, but onely of the season or possession of his aūcestor or predecessor, which hath ben, or now is, or shalbee leased of the said manors, landes, tenements, rents, annuities cōmons, pencions, profits, or rodies or other hereditamentes, wythin thzee scoze yeres, next befoze the teste of the same writ, or next befoze the said prescriptiō title, or claime so hereafter to bee sued, commenced brought, made or had.

¶ And bee it further enacted by the auctoritie aforesaid, that no manner of persone nor persones, shall hereafter sue, haue, or maintaine any assise of mortdauncestors, coſinage, apell, writ of entrie vpon disseisiō done to any of his auncestours or predecessors or any other action possessary, vpon the possessiō of any of his auncestours or predecessours, for any manors, landes, tenements or other hereditaments, of any further season or possession of his or their auncestour or predecessour, but onely of the season or possession of his or their auncestour or predecessour, which was, or hereafter shalbe leased of the same manors, landes, tenements or other hereditaments, within fifty yeres next befoze the teste of the original of the same writ hereafter to be brought.

¶ And be it further enacted, by the auctoritie aforesaid, that no person nor persones, shall hereafter sue, haue or maintein, any action, for any manors, landes, tenements or other hereditaments

Limitation.

hereditaments, of or vpon his or their owne
season or possessiō therin, aboue thirty yeres,
next befoze the teste of the original of y same
writ hereafter to be brought.

And be it also enacted by the aucthority
aforesaid that no person nor persons shal here-
after make any answyr or cognisance, for
any rent, suite or seruice, & alledge any seasō
of any rent, suit or seruice, in the same answy-
r or cognisance, in the possession of hys or
their auncestours, or predecessour or prede-
cessours, or in his own possessiō, or in y pos-
sessiō of any other, whose estate he shal pre-
tend or claime to haue, aboue forty yeaues
next befoze the making of the said answyre
or cognisance.

And ouer that, be it enacted by the auc-
thority aforesaid, y al formedones in reuer-
ter, formedones in remainder, & scire facias
vpon fines of any manors lands, tenements
or other hereditamētis at any time hereafter
to be sued, shalbe sued and taken within fif-
ty yeres next after the title & cause of action
fallen, and at no time after the sayde fyfthe
yeres passed.

And be it also enacted by aucthority a-
foresaid, that if any personne or persons at
any time hereafter, do sue anye of the sayde
actions or writs, for any manours, landes,
tenements, or other hereditaments or make
any answyr, cognisance, prescription, title or
claime, of or for anye rent, suite, seruice, or
other hereditaments, and cā not proue that
hce

he or they, or his or their aūcestours or pre-
decessours, were in actual possession or seaso
of & in the same, manors, lands, tenements,
rentes, suites, seruices, annuities, cōmons,
pencions, porcions, corrodies or other here-
ditaments, at anye time or times within the
yeres before limyted & appoynted in this p-
sent act, & in manner & fourme as is afo-
said, if the same be trauersed or denied by
pty plaintiff, demādant or auowāt, or by the
pty tenant or defendāt, & then & after suche
trial therin had, al & euery such persone & p-
sons, & their heirs, shall from hencefoz h bee
vtterly barred for ever, of all and eucry the
said wryts, actions, auowries, consilance, p-
scription title and claime hereafter to be sued
had or made of and for the same mannours,
landes, tenements, hereditamentes or other
the premisses, or any part of the same for the
which the same action, writ, auowry, con-
silance, prescription, title, or claime, hereafter
shal bee, at any time had sued or made. | &c.
Certaine prouisions for those & their heires
who had actions &c. depēding or were then
in age, couert barō, in prison or out of the
realme.

¶ Prouided furthermore, & if any false ver-
dict happē hereafter to be geuē or made i any
of y said actiōs, suites, auowries, p-
scriptions, titles or claimes, & then y party greued by
reason of y same, shal & may haue his attain-
t bpon euery such verdict so geuē or made, & y
plaintiff in y same attain-
t bpon iudgemēt for
him geuen, shal haue his recovery, executiō
and

Executions.

and other aduantage in lixe maner & forme
as heretofore hath ben vbled & accustomed, a-
ny thing befoze in this acte contened to the
contrary therof notwithstanding.

¶ An acte for contentation of debts vpon
executions. Anno. 32. H. 8. ca. 5.

¶ Executions.



Wher as befoze this time
diuers & sundry persōs,
haue sued executions, as
wel vpo iudgemēts, for
thē geuen of their debts
oz damages, as vpo such
statutes marchants, sta-
tutes of the staple, oz re-
cognisances, as haue ben to thē befoze made
recognised & knowledged, & thereupon such
lands, tenements, & other hereditaments, as
were liable to the same executiō, haue bē by
reasonable extent to thē deliuered in execu-
tion, for y satisfactiō of their said debtes &
damages, according to the lawes of this re-
alme. ¶ Neuertheles it hathe ben oftentimes
sene, y such lands, tenemēts & hereditamēts so
deliuered & had in execution, haue ben reco-
uered oz lawfully deuested, taken away oz
eucted from the possession of the said reco-
uerers, obligees, oz recognisees, their execu-
tours oz assignes, befoze suche time, as they
haue ben fully satisfied & paid of their debts
& damages, wout any maner fraude, discept
couyn

couin, collusion, or other default in the sayde
recoverers, obliges or recognisees, their ex-
ecutours & assignes, by reason wherof y^e said
recoverers, obliges, & recognisees, haue be-
therby set clerely without remedy, by anye
maner suit of the law, to recover or come by
any such part or parcel of their said debts &
damages, as was behind, & not by them le-
uied or receyued, befoze such time as y^e said
lands, tenements & other hereditaments, so
by the had in executiō, were recovered law-
fully deuested, taken or euicted, out of & from
their possessiōs, as is aforesaid to their great
hurt & losse, and much seeming to be against
equal iustice and good cōscience. [For refoz-
macion wherof be it enacted by aucthoritye
of this present parliament, that if hereafter
any such lands, tenements or hereditaments
as be or shalbe had & deliuered to any persō
or persons in execution as is aforesaid, byō
any iust & lawfull title, matter, condicion or
cause, wherewithall the said lands, tenements,
& hereditaments were liable tied & bounde,
at such time as they were deliuered & taken
into execution, shal happen to be recovered,
lawfully deuested, taken or euicted, out of, &
frō the possession of any such person & persons
as now haue & hold, or hereafter shal haue &
hold the same in execution as is aforesayde,
wout any fraud, desceipt, couin, collusion or
other default, of the said tenant or tenants by
execution, befoze such time as y^e said tenāts
by execution their executozs or assignes shal
haue fully & wholly leuied or receiued y^e sayd
whole

Executions.

Whole debt & damages, for & which & sayd
lāds, tenements & other hereditaments were de-
liuered & takē in execution, as is aforesaid,
thē every such reconuerer, obligee, & recogni-
see, shal & may haue & pursue, a writ of scire
facias out of & same court, from whence the
said former writ of executiō did procede, a-
gainst such pson or psons as the said writ of
execution was first pursued, their heirs ex-
ecutors, or assignes, of such lāds, tenements
or hereditaments, as were or ben then liable
or charged to & said execution, returnable in
to the same court, at a certain day, being full
forty daies after the date of & same writ. At
which daye if the defendant being lawfully
warned, make default, or appeare, & do not
shew and plead a sufficient matter or cause,
other then the acceptance of the said lands,
tenements, & hereditaments by the said former
writ of executiō to barre, auoid or discharge
the said suit for & residue of the said debt &
damages, remaining vnleued or vnreceiued
by the said former execution: then the lord
chauncellour, or other such iustice or iusti-
ces, befoze whom suche writ of scire facias
shalbe returnable, shal make estsones a new
writ or writs out of the said former recorde
of iudgement, statut merchant, statut staple
or recognisance, of like nature & effect, as &
said former writ of execution was for & le-
uiyng of & residue of all such debt & damage
as then shal appeare to be vnleued, unsatis-
fied or vnpaid of the whole summe or sum-
mes in the said former writ of execution cō-
teyned.

teyned, Any lawe, custome, or other thing to
to the contrary hereof heretofore vsed in a-
ny wise notwithstanding.

¶ An act for the true payment of tythes
& offrings, Anno. 32. H. 8. Cap. 7.

¶ Tythes. 8.

VVhere diuers and many persons in-
habiting in sundry counties & places
of this realme, & other y^e kings do-
minions, not regarding their dueties to al-
mighty God, & to the king our soueraigne
lord, but in fewe yerres past moze cōtemptu-
ously & commonly p^resuming to offend & in-
fringe the good & holisome lawes of this re-
alme, & gracious cōmaundments of our sayde
soueraigne lord, then in times past hath bē
sene or knowen, haue not letted to subtract
& withdraw y^e lawful & accustomed tithes of
corns, hay pasturages, & other sort of tithes
& oblations cōmonly due to the owners pro-
prietaries, & possessours of the personages.
vicarages, & other ecclesiastical places, of
w^{ch} in the said realme & dominions, beynge the
moze encouraged therto for that y^e diuers of
the kings subiects beynge lay p^rsones, hauing
p^rsonages, vicarages, & tithes to them & to
their heirs, or to thē & to their heirs of their
bodys lawfully begotten, or for term of life
or yeaeres, can not by the order and course of
the ecclesiasticall lawes of thys realme, sue
in

Tythes.

in any ecclesiasticall court for the wrongfull
withholding & deteining of the said tithes or
other duties, nor can not by the order of the
common lawes of this realme haue any due
remedy against any person or persons their
heires or assignes, that wrongfullpe deteyneth
or withholdeth the same, by occasion
whereof much controuersie, suite, variance,
and discorde is like to insurge and ensue a-
mong the kinges subiectes, to the great de-
triment, damage and decay of many of them
if conuenient and speedy remedy therfore be
not had and provided.

Wherefore it is ordeined & enacted by our
said soueraign lord & king, with the assent of &
lords spiritual & tempozal & the commons in
this present parliament assembled & by auc-
thoritie of the same, that all and singuler
persones of this his laide realme, or other
his dominions, of what estate, degree or co-
dition soeuer he or they be, shall fully, truely
& effectually deuide, set out yeld or pay, all &
singuler tithes, & offerings aforesaid, accor-
ding to & lawfull customes & vsages of the
parishes & places where such tithes or due-
ties shal growe, arise, come or be due. And in
case & it shall happen any persone or persons
of his or their vngodly & peruerse will and
mynde, to deteigne or withhold any of & said ti-
thes or offrings or part or pcel therof, the &
parson or party being ecclesiastical or lay pson,
hauing cause to demaund or haue & said tithes
or offrings, being therby wronged or greued
shall

shal & may conuent the pson or persons so
offending befoze the ordinarie, his commissary
or other cōpetent minister, or lesul iudge of y
place where suche wronge shal be done, ac-
cording to the ecclesiasticall lawes. And in
euerye suche case of matter or suit, the same
ordinary commissarie or other competent mi-
nister or lesul iudge, hauinge the partyes or
their lawfull procuratours befoze hym or
them, shal and maye by vertue of this acte
procede to the examinacion, hearing and de-
termination of euerye suche cause or matter
ordinarily or summarilye, accordinge to the
course and proces of the saide ecclesiasticall
lawes, and thereupon may geue sentence ac-
cordingly. And in case that any of the par-
ties, for any cause or matter concerning that
suite, do appeale from the sentence or der, and
diffinitive iudgement of the said ordinarie,
or other competent Iudge, as is aforesaides
then the same Iudge by vertue of this acte
forthwith vpon such appellacion made, shal
adiudge to the other partye the reasonable
costes of his suite therein befoze expended, &
shal compell the same partye appellant to sa-
tisfie and pay the same costes so adiudged by
compulsory procelle, and censures of the said
lawes ecclesiasticall takinge suerty of the o-
ther partye to whom such costes shalbe adiud-
ged and payde, to restore the same costes to
the partye appellant, if after the principall
cause of that suit of appeale shalbe adiudged
against the same party, to whom the sayde

Tithes.

costes shalbe yelden. And so every ordinarie or other competent iudge ecclesiasticall, by vertue of this acte shall adiudge costes to the other partie vpon every appeale to be made in any suit or cause of subtraction or detention of anye tithes or offeringes or in anye other suite to be made for or concerning the duity of such tithes or offeringes.

¶ And further be it enacted by the authoritie aforesaide, that if anye persone or persons after suth sentence diffinitive geuen againste them, obstinatelpe and wilfullpe refuse for to paye their tithes or duities, or suche summes of money so adiudged, wherein they bee condemned for the same, that than two Iustices of the peace of the same shire, whereof one to bee of the Quorum, shall haue authoritie by this acte, vpon information, certificate, or complaint to them made in wrytinge by the sayde ecclesiastycall Iudge that gaue the same sentence, to cause the same partre so refusinge, to bee attached, and committed to the nexte gaole, and thereto remayne without bayle or maynprie, till he or they shall haue founde sufficient suerties to bee bounde by recognisance or otherwise befoze the same Iustices, to the vse of our soueraygne Lorde the kinge, to perfourme the saide diffinitive sentence and iudgement.

¶ Provided alwaies and be it enacted by thauthoritie aforesaide that no persone or persones shalbe sued, or otherwise compelled to

to yelde, geue or pay any maner of tythes, for any manours, landes, tenementes, or hereditamentes, which by lawes or statutes, of this Realme are discharged, or not chargeable with y^e payment of any such tythes | vide an. 31. H. 8. ca. 13. Monasteries 11. in fine. |

Enacted also and be it enacted by auctoritie aforesaide, that this acte nor any thing therein contained, shall in anywise binde th inhabitantes of the Citie of London and suburbes of the same, for to pay their tythes & offeringes w^{thin} the same citie and suburbes other wise then they oughte or shoulde haue done befoze y^e making of this acte, any thing in this act contened to y^e contrary notwithstanding. And be it further enacted by auctoritie aforesaid, that in al cases where any person or persones, which now haue or whiche hereafter shall haue any estate of inheritace freehold, terme, right, or interest, of in or to a ny personage, vicarage, porcion, p^{er}son, tythes oblations, or other ecclesiastical or spirituall profite, which now be, or whiche hereafter shall be made temporall, or admitted to be abide and go to or in temporall handes & laybles and p^{ro}fitcs by the lawe or statutes of this Realme. shal hereafter fortune to be disseised, deforced, wronged, or other wise kepte or put from their lawfull inheritance estate, leison, possession, occupacions, terme, right, or interest, of in or to the same, or of in or to any parcell there of by any other persone or personnes, clamings or p^{re}tendinge to haue

Tithes.

haue interest or title in or to the same, that then in all and euery such case or cases the person or persones so disseised, deforced or wrongfully kept or put from his or theyr right or possession, as is afoze reherfed, their heires, wiues and such other, to whom such iniury or wronge shal be done or committed shal and may haue their remedie in the kings temporall courtes or other temporall courts as the case shal require, for the reconery getting or obtaining of such inheritauce, estate freeholde, seison, possession, terme, righte, or interest, by writtes original of *Preceptum quod reddat*, *Ass* of nouel disseison, *Mortdaunt*, *Quod ei deforcat*, writtes of dower, or other writtes original, as the case shal require, to be deuised and graunted in the kings court of Chancery, of euery such personage, vicarage, porcion, pension, or other profite called ecclesiasticall or spirituall, so to bee demanded accoordinge to the nature and cause of the suite therof, in like maner and forme as they shoulde, ought, or might, haue had, of or for landes, tenementes or other hereditamentes, in suche maner to bee demanded. And that writtes of couenaunt and other writtes for fines to be leuied, and al other assurances to be had made or conueied of anye such personage, vicarage, porcion, pension, or other profite called ecclesiasticall or spirituall, as is afoze said, shal bee hereafter deuised & graunted in the sayd Chancery, accoording as hath bene vsed for fines, to be leuied, and assurance

assurance to be had made or conuained of landes, tenements, or other hereditaments. And that al iudgements to be geuen vpon anye of the saide wrytes originall so to be deuised or graunted of or for any the premises or anye of them: and all fines to bee leuied and knowledged in any of the kinges said courts thereof shal be of like force and effect in the lawe, to all intentes and purposes, as iudgements geuen and fines leuied of landes, tenements, and hereditamentes in the same courtes vpon wrytes originall therfore duly pursued and prosecuted, albeit no suche fourme of wrytes originall out of the sayde courte of Chancery haue heretofore proceeded or bene awarded.

¶ Provided alwaies, that this laste acte shall not extende nor be expounded, to geue anye remedye cause of accion or suit in the courtes temporall against any person or persones, whiche shal refuse or denye to set out his or their tithes, or whiche shal deteyne, withholde, or refuse, to paye his tythes, and offeringes, or any parcell thereof, but that in all such cases the person or partys beinge ecclesiasticall or lay persones, hauinge cause to demaunde or to haue the saide tithes, or offeringes, and thereby wronged or greued, shall tak and haue their remedye for their saide tithes and offeringes, in euery such case in the spirituall courtes, accordinge to the ordinaunce in the first part of this acte mentioned, and not otherwise. Anye thinge

Maintenance.

herein expresse to the contrary thereof notwithstanding.

¶ An acte againste maintenance, embracery. &c.
and against vnlawfull buying of titles. An.

32. H. 8. Cap. 9.

¶ Maintenance. 7.

The King our soueraigne lord callinge to his mosse blessed remembrance, that ther is nothing within this Realme that conserueth hys louing subiectes in more quietnes, rest, peace and good conoord, than the due and iuste ministracion of his lawes, and the true and indifferent trials, of such titles and issues as bene to bee tried, accoordinge to the lawes of this Realme, which his most Roial maiestie percciue to bee greatly hindered and letted, by maintenance, embracery, champerie, subornacion of witnesses, sinister labour buyinge of titles, and pretended rightes, of persones not being in possession, whereupon great periury hath ensued, and much iniquities, oppression, vexacion, trouble, wronges, and disenheritaunce haie folowed among his most louing subiectes, to the great displeasure of almighty God, the discontentacion of his maiestie, and to the great hinderaunce and let of Justice within this his Realme. For the auoiding of all which misdemeanours and buyinge of titles and pretended

enced rightes, and to the intent that Justice may be moze fullpe and indifferently ministred, and the truthe in causes of contencion plainly tried, betwene his subiectes of thys Realme. Be it enacted by our said Soveraigne Lorde, with the assent of the Lordes spirituall and tempozall, and the comyns in this pzent parliament assembled, and by aucthoritie of the same, that from henceforth all statutes heretofore made, concerninge maintenaunce, champerty, and embzacerye, or anye of them, now standinge and beinge in their full strength and force, shalbe put in due execucion, accordyng to the tenures and effectes of the same statutes.

¶ And ouer that be it further enacted, by the aucthoritie aforesaide, that no person nor persons, of what estate, degree, or condicion soeuer he or they be, shal from henceforth, bargain, buy or sell, or by any waies or meanes obtaine, get, or haue, any pretended rightes or titles, or take, promise, graunt, or couenaunt, to haue any right or title, of any person or persons, in or to any manours, lands, teneementes, or hereditamentes / but if suche person or persons, which shal so bargain, sell geue, graunt, couenant, or promise the same, their antecessours or they by whom he or they claime the same haue bene in possession of the same, or of the reuerlion or remainder thereof, or taken the rentes or profits thereof, by the space of one whole yere nexte befoze the sayde bargain, couaunte

3. liij.

graunt,

81.01 Maintenance. M

graunte, or promise made, upon paine that he that shall make anye suche bargaine, sale, promise, couenant, or graunt, to forsaite the whole value of the landes, tenementes, or hereditamentes so bargained, sold, promised, couenanted, or graunted, contrarie to the fourme of this acte. And the buyer or taker therof, knowing the same, to forsaite also, the value of the saide landes, tenementes, or hereditamentes so by him bought, or taken, as is abovesaide. The one halfe of the saide forsaitures to be to the king our soueraygne Lord, and the other halfe to the partye that will sue for the same, in anye of the kinges courts of recorde, by accion of debt, bil, plaint or informacion. In which accion, bil, plaint, or informacion no esseine, proteccion, wager of law, nor intinccion shall be allowed.

And furthermore, that no maner of person or persons, of what estate, degree, or condition soever he or they bee, do hereafter, unlawfully mainteine, or cause, or procure, any unlawfull maintenaunce, in any accion, demande, suite, or complaint, in anye of the kinges courtes of the Chauncery, the sterre Chamber, white halle, or els where, within any of the kinges dominions of England or Wales, or the marches of the same, where any person or persons haue, or hereafter shall haue, auctoritie by vertue of the kinges commission, patent, or writ, to holde plee of landes, or to examine, here, or determine, any title of landes, or anye matter or witnesses.

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Maintenance. fo. 181

cerning the title, right, or interest of any landes tenementes, or hereditamentes. And also that no person or persons, of what estate, degree, or condicion so ever he or they be, do hereafter unlawfully reteine for maintenace of any suit or ples, any persone or persones or embrace any freeholders or iurours, or suborne any witnes by letters, rewardes, promises, or by any other sinister, labour or meanes, for to maintein any matter or cause or to the disturbance or hinderance of iustice or to the procurement or occasion of any manner of perjury by false verdict, or other wise, in any manner of courts aforesaide, vpon pain of forfaitur of euery such offence x. li. The one moiety therof vnto the kinge our soueraigne Lord, and the other moiety to him that wyll sue for the same by accion of debt, bill, plaint or informacion, in any the kinges courtes, in which accion, no essoine, proteccion, wagger of lawe nor inuencion shalbe allowed.

¶ Provided alway, and be it enacted by the auctoritic aforesaide, that it shalbe lawfull to any person or persones, beinge in lawfull possession by taking of the yerely ferme, rentes or profits, of or for any manours, landes tenementes, or hereditamentes, to buy, obtaine, get or haue, by any reasonable waye or meanes the pretended right, or title, of anye other person or persons, hereafter to be made to of or in such manours, landes, tenementes or hereditamentes, whereof he or they shall so bee in lawfull possession: anye thinge in
this

Maintenance

this acte contained to the contrary notwithstanding.

And for the due execution of this present acte, be it further enacted by aucthoritie abovesaide, that the Justices of assise of every circuite within this realme and els wher within the kinges dominions, shall in every county within their circuites, two times in the yere, that is to say, in the time of their sittings, for the taking of assises or deliverye of the gaoles, cause open proclamation to be made, aswell of this present acte, and of every thing therein contained, as also of al other statutes heretofore made, against unlawfull maintenaunce, champerty, embracery, or unlawful retinours, to the intent that no maner of person or persons, hearing the same should be ignorant or miscognisant, of the daungers and penalties therein contained and specified.

Provided alway, and be it enacted by the aucthoritie aforesaid, that this acte shall not extende to charge any person or persones with any of the penalties mencioned in the said acte, for any offence by him or them committed, contrary to the said acte, except the same person or persones so offending be sued therof by accion of debt, bil, plaint, or information in any of the kinges courtes within one yere next after the same offence by hym or them committed as is aforesaide.

¶ An acte that lessees shal enioy their fermes
against tenants in taile, or in the right
of their wiues, or churches.

&c. an. 32. H. 8.

Cap. 28.


¶ Leases. 2.



It is ordeined established and
enacted by the king of our So=
ueraigne lord. the lordes spiri=
tuall and tempozall, and the cō=
mons in this pzsent parliamēt
assembled, and by aucthozity of
the same, that all leases hereafter to be made
of any manours, landes, tenements, or other
hereditamentes, by wziting indented, vnder
seale, for terme of yerres, or for terme of life,
by any persone or persones, beinge of ful age
of one and twentye yerres, hauinge any estate
of inheritauce either in fee simple, or in fee
taylor, in their owne righte, or in the righte
of their churches or wiues, or iointly with
their wiues, of anye estate of inheritauce
made befoze the couerture or after, shall
bee good and effectuell in the lawe, against
the lessours, their wiues, heires and succes=
sours, and euery of them, accordinge to such
estate as is comprised and specified in eu=
rye such indenture of lease, in like maner and
fourme as the same should haue bene, if the
lessours thereof, and euery of them, at the
tyme of the making of suche leases had ben
law=

Leases.

lawfully leased of the same landes, tenemēts and hereditamentes comprised in such indenture, of a good perfect and pure estate of fee simple therof to their owne onely uses.

 Provided alwaie, that this acte nor any thing therein contained, shall not extend to any leases to be made, of any manours, landes, tenementes, or hereditamentes, beinge in the handes of any fermour, or fermours, by vertue of any olde lease, vntlesse the same olde lease be expired, surrendred, or ended, within one yere next after the making of the said new lease, nor shall extend to any graunt to be made of any reuercion, of any manours landes, tenementes, or hereditamentes, nor to any lease of anye manours, landes, tenementes, or hereditamentes, which haue not mooste commonlye ben letten to ferme, or occupied by the fermours therof, by the space of xx. yeres nexte before suche lease thereof made, nor to anye lease to bee made, without empeachment of wast, nor to anye lease to be made above the number of one & twenty yeres, or threelines at the mooste, from the daye of making therof. And that vpon euery such lease there be reserved, yerely duringe the same lease due & payable, to the lessours their heires and successours, to whom the same landes shoulde haue comen after the deathes of the lessours, if no suche lease had bene thereof made, and to whome the reuercion thereof, shall appertaine, accordinge to their estates and interestes, so muche yerely ferme

H. H. H. H.
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C Provided alway, that the wife be made
partie, to every such lease, whiche hereafter
shal be made by her husbände, of anye ma-
nours, landes, tenementes, or hereditamen-
tes, being the inheritaunce of the wife, and
that every such lease, be made by indenture
in the name of the husbände and his wyfe,
and she to seale to the same. And that the
ferme and rent bee reserved to the husbände
and to the wife, and to the heires of the wife
according to her estate of inheritaunce in the
same.

same. And that the husband shal not in anye wise alien, discharge, graunt, or geue awaye the same rent reserved, nor any part thereof longer than during the couerture, without it bee by fine leuied by the saide husbände and wife: But that the same rent shall remaine, discende, reuert, or come after the death of such husbände, vnto suche person or persones, and their heires in such maner and sorte, as the landes so seised should haue done if no such lease had therof bene made.

¶ Provided also, that this acte extendē not to geue any liberty or power to any person or persons to take any mo fermes, leases, or takinges, of any manours, landes, tenementes or other hereditamentes, than he or they should or might lawfully haue done, before the makinge of this acte. | Se the statute made 25. 8. ca, 13. shepe 2 | nor extendē to geue any liberty or power to any persone or vicar, of any church or vicarage, for to make any lease or graunt of any their messuages, landes, tenementes, tithes, profits, or hereditamentes, belongingē to their churches or vicarages, etherwise or in anye maner then they shoulde or might haue done before the making of this acte, any thing contained in this acte to the contrary notwithstanding.

¶ And farthermore be it enacted by auctoritie aforesaide, that all leases at anye tyme within the space of thre yeres nexte before the 21. date of Aprill, and in the xxi. yere of our soueraigne lordē the kinges raigne, made by

by writinge indented, vnder seale, by anye person or persones of full age, of whole memorye, not vnlawfully coercted, nor beinge couert baron, for terme of yeres, of any manours, landes, tenementes, or other hereditamentes, whereof the lessour or lessours, were seised of any estate of inheritance, of and in the same to their owne onely vse at the time of makinge anye suche lease therof: and whereof the leasees their executours and assigns, be now in possession by vertue of the same lease, and no cause of reentrie or forfeiture therof had or made, shal be good and effectuell in the lawe, againste the lessours their heires and successours, and the heyres and successours of enery of them, according to the couenantes, articles, and agreements specified in euey such indenture of lease. So alwaies there be reserved and yerely payable, during the same lease, to the sayd lessors their heires or successours, or to such other as should or ought to haue had the same manours, landes, tenementes, or hereditamentes so leased, after the deceasse of suche lessours, in case no such lease had thereof bene made, as much yerely rent for the same, as was at any time therfore yelden or payde within xx. yeres nexte befoze the makinge of any such lease, or els suche leases to bee of no other force ne effect then they were befoze the makinge of this present acte.

And mozeouer for certayne considerations, be it enacted by aucthorite aforesayd, that

Leases.

that no fine feoffment or other acte or actes hereafter to be made, suffered or done, by the husband onely, of any manours, landes, tenements, or hereditamentes, being the inheritance or freeholde of his wife, during the coverture betwene them, shal in any wise be or make any discontinuance therof, or be prejudiciall or hurtful to the said wife, or to her heires or to such as shal have right, title, or interest to the same by the death of such wife or wives. But that the same wife or her heires, and such other to whom such right shall appertaine, after her decease, shali and maye then lawfully enter into all suche manours, landes, tenementes, and hereditamentes, according to their rightes, and titles therein, anye such fine feoffment or other acte, to the contrary notwithstandinge, fines leuied by the husband and wife (whereunto the sayde wife is party and priup) onely except.

¶ Provided furthermore, that this clause or acte, extende not to geue any liberty to anye such wife, or to her heires, for to auoide any lease hereafter to be made of any thenheritance of the wife by her husbande and her for terme of xxi yerres, or vnder, or anye her inheritance for terme of three liues at the uttermost, whereupon as much yerely rent or more is or shal bee reserved, & yerely payable during the same lease, as was at any time therfore yelde or payed within xx. yerres, next before the making of any such lease according to the tenour of this presente acte any

in favor
of separate
use & to
the wife
in her own
right

in favor
of the wife
in her own
right & to
the husband
in her own
right

in favor
of the wife
in her own
right

vide in book 21 folio 200 to the 12th
of the 1st acte of the 1st of Henry 8th
in the 1st of Henry 8th

any thing therein contained to the contrary notwithstanding.

¶ Provided also, that this act extend not to make good anye lease oz leases, heretofore made, by any ecclesiasticall person oz persons by their couent oz common seale, whiche be made void oz taken away, by auctoritie of any act of parliament heretofore made, nor extende to make good any lease oz leases, heretofore made by any ecclesiastical person oz persons nowe being attainted of treason, vnder their couent seale oz otherwise, oz by any other person oz persons now beinge attainted of treason by act of parliament & other wise: But that all & singuler such lease and leases & euery of them now made oz hereafter to be made, shalbe of suche like effect and strength in the law & none other as they and euery of them were before y^e making of thys act: any thing before mencioned in this acte to the contrary therof notwithstanding.

¶ An acte concerning mispleading, ieofayles & attourneis. H. 8. Cap. 30.

¶ Repleader. I.



From hencefozth if any issue be tryed by the othe of twelue oz mo indifferent men for the party plaintife oz demandat oz for the party of the tenant oz defendant, in any maner of
 A. i. action

R epleader.

accion oz suite at the common lawe of thys realme, in any the kinges courtes of recozde that then the Iustice & Iustices by whom iudgement thereof ought to be geuen, shal procede and geue iudgement in the same, anye mispleading, lacke of colour, insufficiēt pleading, oz iefayle, any miscontinuance oz dyscontinūace oz miscōueying of pcesse misioyning of y^e issu, lack of warrāt of attourney of y^e party against whom the same issue shal happen to be tried, oz any other default oz negligence of any of the parties, their counsellors oz attourneys, had oz made to the contrarpe no: withstanding. And the sayd iudgements thereof so to be had and geuen shal stand in full strength and force, to all intentes & purposes, accordyng to the saide verdict, without any reuerseil oz vndoing of the same by wypt of error oz of false iudgement in like fourme as thoughe no suche defaulte oz negligence had neuer ben had oz committed.

¶ It is ordeined alsway and be it enacted by the aucthority aforesayde, in auoydinge of errours and other great incōueniences, that daylye do fortune to rise and growe in the kynges courtes of recozde at westminster, thzough the neglygence of attourneys, because they delyuer not their warrantes of attourney in such accions and suites, wherin they be named attourney, accordyng to the lawes of thys realme, that all and euery suche personne and personnes, which shal fortune hereafter to bee attourney to oz for
any

any other personne or personnes, beyng de-
maundant or playntife, tenant or defendar
in any accion or suite, at anye time hercaft-
ter commenced or taken in any of the kings
sayde courtes, and pleade to any issue in the
same accion or suite: That then the same at-
torneyes and euerye of them from time to
tyme, shall deliuer or cause to bee deliuered
his or their sufficient and lawfull warrant
of attourney, to bee entred of recozde for
euery of the saidc actions or suites, wherem
they be named attourneys, to the offycer or
hys deputie, ordeined for the receipt and en-
tering thereof, in the same terme when the
sayde issue is entered of recozde in the sayde
courte, or afoze, vpon payne of forfaytynge
vnto our sayde soueraygne lord ten pounds
sterling for euery default for none deliuering
of the sayde warrant of attourney. And also
further to suffer suche imprisonment as by
the discretion of the iustices of the court for
the time being, where any suche default shal
fortune to be had or made, shalbee thought
conuenient: This present act with the pro-

uise to endure till the laste day of

the next parliament | This was

continued Anno. 33. H. 8. ca.

17. & An. 37. H. 8. cap. 23.

& Anno. 2. E. 6. ca. 32.

it was made per-
petuall.

Pa. ij.

¶ In

Partition.

¶ An acte concerning iointenants for terme of
life or yerres, Anno 32. H. 8. Cap. 32.

¶ Partition. 4.

Foꝛasmuche as in the parliament
begonne at Westm̄ the eyght &
twenty day of Apryll, & there
continued till the .xxviii. daye of
Iune the .xxxi. yere of ꝑ kings
most noble & victorizous reigne that now is.
It was amongst other things ther enacted
and established, that all iointenants and te=
nants in common, that then were oꝛ hereaf=
ter should be of any estate oꝛ estates of inhe=
ritance in their owne rightes oꝛ in the right
of their wiues, of any manors lands, tene=
ments, oꝛ hereditaments within this realme
of England, Wales oꝛ marches of the same,
shal & may be coacted and compelled by ver=
tue of the said act to make partiçiō betwene
them of all such manours, lands, tenements
and hereditaments as they then held oꝛ here
after should holde as iointenants oꝛ tenants
in common, as moze plainly at large appea=
reth by the said statute. And foꝛasmuche as
the saide estatute doth not extende to ioynt=
tenantes and tenants in common foꝛ terme
of lyfe oꝛ yerres, nother to ioyntenaunts and
tenants in common, where one oꝛ some of
them haue but a particuler estate foꝛ terme
of lyfe oꝛ yerres, and the other haue estate oꝛ
estates

estates of inheritance, of and in any manors lands, tenements and hereditaments. Be it therefore enacted by the kyng our soueraign lord, and by thassent of the lordes spirituall and tempozal, and the commons in this present parliament assembled, and by the auctoritis of the same, that all iointenants and tenants in common, and euery of thē, which now hold, or hereafter shall holde, iointly or in common, for terme of life, yere or yerres, or iointenants or tenants in common, wher one or some of thē, haue or shall haue estate or estates, for terme of lyfe or yerres, with ſ other, ſ haue or shall haue, estate or estates, of inheritāce or frehoid, in any manors, lāds, tenements or hereditaments, shall and may be compellable, from henceforthe, by writ of partition, to be pursued out of ſ kings court of chancery vpon his or their case or cases, to make seuerance and particion, of all suche manours, landes, tenementes and hereditaments, whiche they holde ioyntly or in common, for terme of life or lifes yere or yerres, where one or some of them hold iointly or in common for term of life or yerres or other, or that haue an estate or estates of inheritance or freholde.

¶ Provided alway and be it enacted that no such particion nor seuerance hereafter to be made, by force of this acte, be nor shalbee prejudicial or hurtfull, to any person or persons, their heirs or successours, or other, thē such which be parties vnto the said particio
 A.ij. their

Dyscents. their executours oz assignes.

¶ That the dying seased of a wrongfull disseisour is
no dissent in the lawe. 32. H. 8. Cap. 33.

¶ Entre lawfull. 2.



Where diuers persons, of
their insatiabie mindes,
haue hertofore by strength
& without title, entered,
into manours, lands, te=
nements and other here=
ditaments, and wrong=
fully disseased & rightfuf
owners and possessours therof, and so being
seased by disseisin, haue thereof dyed seased,
by reason of which dying seased, that dissei=
se oz suche other personnes as before suche
discent might haue lawfully entred, into the
saide manours, lands and tenements, were
and be thereby clerely excluded of their entre
into the said manours, lands and tenemētis
and put to their accion for their remedy and
recouery therein, to their great costes & char=
ges. For reformation whereof be it enacted
by the aucthoritie of this p̄sent parliament
that the dyingseased hereafter, of anye such
disseasour, of oz in, any manours, lands, te=
nements oz other hereditaments, hauing no
right oz title therein, shal not be taken oz de=
med, from henceforthe, anye suche discent in
the lawe, for to tolle oz take away, the entre
of any

of any ſuche perſonne oz perſonnes, oz their
heires which at the time of the ſame diſcent
had good and lawfull title of entre, into the
ſaid manours, landes, tenements oz heredi-
taments except that ſuch diſſeaſour, haſte
had the pealible poſſeſſion, of ſuche manours
landes, tenements oz hereditaments wher-
of he ſhal ſo die ſeaſed, by y^e ſpace of, v. yerres
next after the diſſeaſin therein by him com-
mitted, without entre oz continuall claime,
by oz of ſuch perſon oz perſons as haue law-
full title thereunto.

¶ An act cōcerning grauntees of reuerſions to take
auantage of the condicions to be performed
by the leaſſee. Anno .32.H.8.cap.34.

¶ Condiçion. I.

Vher befoze this time, diuers as wel
tempozall as eccleſiaſtiſhall and reli-
gious perſonnes, haue made ſundry
leaſes, demises and graūtes, to diuers other
perſons, of ſundry manours, lordſhips, fer-
mes, meales, landes, tenementes, medowes
paſtures oz other hereditaimes, for terme of
life oz liues, oz for term of yerres, by ſerityng
vnder their ſeal oz ſeals, cōcerning allas cō-
teinig certain cōdicions couenāts & agrements,
to be perſormed as wel on y^e part & behalfe,
of y^e ſaid leaſſees & grātees, their executours
and aſſignes, as on the behalfe of the ſayde
A.iiiij, leaſſours

Condicions.

lessours and grauntours, their heires & successors, And forasmuch as by the common lawe of this realme, no stranger, to any covenant, accion, or condicion shall take anye advantage or benefite of the same, by anye meanes or waies in the lawe, but onely such as be parties or priuies therunto, by y reason wherof, as well all grauntees of reuerfions, as also all grauntees & patentees of y anyng our soueraigne lord, of sundry manors, lordships, granges, fermes, meases, lands tenements medowes, pastures, or other hereditaments, late belonging to monasteries and other religious and ecclesiastical houses, dissolved, suppressed, renounced, relinquished, forfeited, geuen by, or by other means come to the handes and possession of y kings maiesty, since the fowerth day of february, the xxvij. yere of his most noble raigne be excluded, to haue any entre or action, agaynst the said leasees and grautees, their executors or assignes, which the lessors, befoze y time, mought by the law haue had, against y same leasees, for the breach of any condicion covenant or agreement, comprised in the indentures of their said leases, dimises & graunts. Be it further enacted, by the king our soueraigne lord, the lordes spiritual & tempozal, and the commons in this present parliament assembled, and by aucthoritie of the same, y as well all & enery person & persōs, & bodies politike, their heires successors & assignes, which haue or shal haue, any gift or graunt of
our

our said soneraigne lord by his letters pa=
tents of any lordships, manors, lands, tene=
 ments, rents, personages, tithes, porcions or
 any other hereditaments, or of any reuerſiō
 or reuerſions of the ſame, whiche did belong
 & appertain to any of the ſaid monaſteries, &
 other religious & eccleſiaſtical houſes, diſ=
 ſolued, ſuppreſſed, relinquished, forfeited or
 by any other meanes come to y^e kings hāds
 ſince the ſaid fourteenth day of februarye the
 xxvij. yere of his moſt noble reigne, or which
 at any time heretofore, did belong or apper=
 taine to any other perſon or perſons, & after
 came to the hands of our ſaid ſoneraigne lord
 as alſo al other perſons, being grauntees or
 assignees, to or by our ſaid ſoneraigne lord
 the king, or to or by any other perſon or per=
 ſons, then the kings highnes, & the heires,
 executours, ſucceſſours & assignes of euery
 of them, ſhall and may haue & enioy like ad=
 vantage againſt the leaſſees, their executours
 adminiſtratours and assignes, by entre for
 none paymt of the rent, or for doing of waſt,
 or other forfeiture; & alſo ſhall & maye haue
 & enioy all & euery ſuch like, & the ſame ad=
 vantage, benefite, & remedies by accion only
 for not perſourming other condicions, coue=
 nants or agreementes contened & expreſſed
 in the indentures of their ſaid leaſes, dimi=
 ſes, or grauntes, againſt all and euery y^e ſaid
 leaſſees & fermours, and graſties, their exe=
 cutours, adminiſtratours and assignes, as
the ſaide leaſſours or graūtours themſelues

10th of
 20th of
 10th of
 10th of
 10th of
 10th of

Condicions.

or their heires or successours, ought, should or might haue had and enioyed, at anye time or times, in like manner and fourme as if the reuerſion of ſuche landes, tenementes or hereditaments, had not come to the handes, of our ſaid ſoueraigne lord, or as our ſaide ſoueraigne lord his heires and successours should or might haue had and enioyed, in certaine caſes by vertue of the acte made at the firſt ſeſſion of this preſent parliament if no ſuch graunt by letters patēts had be made by his highnes. | *Se Anno. 31. H. 8. ca. 13.*

¶ Moreover be it enacted by aucthoritye aforesaid, that all fermors, leaſſees & graunters, of lordships, manors, lands, tenements rents personages, tithes, porcions, or anye other hereditaments for terme of yeres, life or liues, their executours, administratours, & assignes, ſhal & may haue like action, aduantage & remedy, againſt all & euery perſon & perſons & bodieſ politike, their heires successours and assignes, which haue or ſhal haue any gift or graunt of the king our ſoueraigne lord, or of any other perſon or perſons of the reuerſion of the ſame manours, lands, tenements and other hereditaments ſo letten, or any parcell therof, for any condicion, couenaunt or agreement, cōteined or expreſſed in the indentures of their leaſe and leaſſes, as the ſame leaſſees or any of them, might and ſhould haue had againſt the ſayd leaſſours and grauntours, their heirs or successours, all benefyts and aduantages, of recone

recovertes in value, by reason of any warranty in deede, or law by voucher, or otherwise, onely excepted,

¶ Provided alwaies that this act nor any thing or things therein contained, shall extend to hinder or charge any personne or persones, for the breach of any covenant or condicion, comprised in any such writing as is aforesaid, but for such covenants and conditions as shalbe broken or not performed, after the first day of September next coming, & not before, any thing before in this acte contained to the contrarye thereof notwithstanding.

Fynes.

¶ An act for the exposition of the statute of fynes. Anno. 32. H. 8 Cap. 36.

¶ Fynes. 9.

¶ Or as muche as in the fowerthe yere of the raigne of the late kyng of famous memozy kyng Henrye the seventh father of oure moste dreade soueraigne lord the king that now we is. | videlicet 4. H. 7. capitulo. 24. | it was among manye good and sundry statutes and ordynaunces then made for the common wealth, enacted, ordeined and established, the forme & maner how fines shoulde bee leuied with proclamacions, in the kings court, bee
foze

amp. 120

Fynes.

for his iustices of his common place, & that such fines with proclamations, so had and made, to the intent to void al strifes, and debates, should be a final end & conclude, aswel priuies as straungers to the same, certayne persons excepted & saued, as in the same estatute moze plainly appeareth sythen which time by diuersitie of interpretation and expounding of the same estatute, it hath ben, & yet is by some maner of persons doubted & called in question, whether fines with proclamations, leuied or to be leuied before the said iustices, by any persō or persōs, hauing or claiming to haue, in any manours, lands, tenements, hereditaments comprised in the same fine, in possession, reuercion, remainder or in vse, any maner of estate, taile, shoulde immediately after y^e said fine leuied & grossed & proclamation made, binde y^e right heire & heirs, of such tenant in taile, & euery other pson & psons seised, or claiming to their vse or vses | *See D. 19. l. 8. case. 5* | by occasiō wher of diuers debates, cōtrouerlies, suits & troubles hane ben begoone, moued & had within this realme and mo be like to ensue if remedy for the same be not prouided. For the establishment and refozmation wherof, and for the sure and sincere interpretation of the said estatute, in auoyding all daungers, contentions, controuerlies, ābiguities & doubts that hereafter may ensurge growe and happen. Our soueraigne lord the king, with the assent of the lordes spiritual and tempozall, and the commons in this present parliamēt assembled,

assembled, & by aucthoritie of the same, hath enacted and ordeyned, that all and singuler fines, as well heretofore leuied as hereafter to be leuied, befoze the said iustices, with proclamations, according to the said estatut, by any person or persons, of full age of. xxi. yerres, of any manours, landes, tenementes, or hereditamentes, befoze the time yf y same fine leuyed, in any wise entayled, to the person or persons so leuying the same fine or to any the auncestour or auncestours, or y same persone or persones, in possession, reuerſion, remainder or in vse, shalbe immediately after the same fine, leuied, engrossed, & proclamations made, adiudged, accepted, demed, and taken, to all intentes and purposes, a sufficient barre & discharge, for euer, against the saide persone and persones, and their heires, claymyng the same landes, tenementes and hereditamentes or anye parcell thereof, onely by force of any suche entayle, and agaynst all other persones, claymyng the same, or any parcell thereof, onely to their vse, or to the vse of any maner of heire of the bodies of them, any ambiguity doubt or contrarietie of opinion, ryſen or growen vpon the saide estatute, to the contrary notwithstanding.

¶ Provided also, that this acte nor any thing therein contained, shall extend to barre or exclude, the lawfull entre, title or interest, of any heir or heires, person or persons, heretofore geuen, or hereafter to be geue growen

Fynes.

or accrewed to them or any of them, in or to any manors, landes, tenementes or hereditaments, by reason of any fine or fines heretofore leuied, or hereafter to be leuied, by any woman, after the death of her husband, contrary to the fourme intent and effect of the estatute made in the .xi. yere of the saide late king Henry the .viij. ca. 20. of any manours, landes, tenementes and hereditaments, of the inheritance or purchase of y^e saide husband or of any his auncestors, geuen or assigned, to any such woman in dower, for terme of life, or in taile, in vse or in possession, but that the same act made in the said xi. yere of y^e said late kyng Henry the leuenth shall stand remain & bee in full strength & vertue, in euery article, sentence and clause therein conteigned in lyke manner and fourme, as though thys present acte had neuer be had made.

¶ Provided also that this act ne any thing therin conteigned, do extende to anye fine or fines, at any time heretofore leuied, or hereafter to be leuied, of any lordships, manors, landes, tenementes or other hereditaments, whatsoeuer they be, the possessioners and owners whereof, by reason of anye expresse wordes, contained in any speciall act or actes of parliament, made or ordeined, sithen the saide .iiij. yere of the reigne of the saide late kyng Henry the .viij. stand, be bounden, or restrained, from making any alienations, discontinuances or other alterations, of any of the

same

same lordships, manors, landes, tenements
or hereditaments, conteigned in the saide fine
or fines, but that all and euery such fine and
fines, at any time heretofore leuied, or here-
after to be leuied, by any such pson or psons
or their heirs, of any such lordships, manors
lands, tenements or other hereditamentes,
shalbe of such like force and strength in the
lawe, and of none other effecte then y same
fine so leuied or to be leuied, should haue be,
if this present acte had neuer been had nor
made, any thing therein conteyned, to the co-
trary thereof in any wise notwithstanding.

¶ It is also provided that this acte nor anye
thing therein conteigned, shal extend to anye
fine or fines, heretofore leuied, of any ma-
nors, landes, tenements or hereditamentes,
now in suite demaunde or variance, in anye
of the kings courts, or wherof any charters
euidences or munimentes concernynge the
same, be now in demaund in the kings high
court of chauncery, nor to any fine or fines,
heretofore leuied of any manours, lands te-
nements or hereditaments, which befoze the
first day of this present parliament, haue be
recovered gotten or obtained, by reason of
any iudgement, entre decree arbitrement or
other lawfull meanes, contrary to y purport
intent or effect, of any such fine or fines ther
of heretofore leuied, nor to any fine or fines
heretofore leuied, or hereafter to bee leuied,
by any personne or persons, of any manors,
landes, tenementes or hereditamentes,
before

Rentes.

before the time of the leuying of y^e same fine,
geuen, graunted or assigned to the said per-
son or persons, so leuying the same fine, or to
any of his or their auncestours in the tayle,
by vertue of any letters patents of our sayd
loueraigne lord, or any of his progenitours
or by vertue of any acte or actes of parlia-
ment, the reuerſion wherof at the time of y^e
same fine or fines so leued, being in our said
loueraigne lord his heires or successours:
But that euery suche fine and fines, shalbe
of like force strength & effecte, as they were
or should haue ben, if this act had neuer ben
had nor made.

¶ Rentes.

¶ An act for recouery of arrerages of rents by ex-
ecutours of tenant in fee simple. 32. H. 8. ca. 37.

¶ Rentes. 2.



¶ Inasmuch as by y^e order of y^e cō-
mō law, y^e executors or adminis-
trators of tenāts in fee simple, te-
nants in fee taile, & tenants for
term of liues, of rents seruices, rent charges
rent lecks, & fee fermes, haue no remedye to
reouer such arrerages of y^e laid rents or fee
fermes, as were due vnto their testatours in
their liues, nor yet y^e heirs of such testatour,
nor any p^{so} hauing y^e reuerſiō of his estate,
after his decease may distraine or haue anye
lawfull

lawful accion to leuie any such arrerages of réts or of fee fermes, due vnto him in his life as is aforesaid By reaso wherof the tenants of the demeane of suche landes, tenementes, or hereditamentes, out of the whiche suche rentes were due and payable, who of righte ought to pay their rentes and fermes, at such day and termes as they were due, do many times kepe, hold, and retaine, such arrerages in their owne handes, so that the executors and administratours, of the personnes, to whom such rentes, or fee fermes, were due can not haue or come by the saide arrerages of the same, towards | the | payment of the debetes, and perfourmaunce of the wil of the saide testatours. | *H. 19. H. 6. ca. 83. fo. 41. Dette. 37. and Executours 98. anno. 4. E. 3. Itin Noting.*

Cf or remedy wherof be it enacted by authoritie of this present parliament, that the executors, and administratours of enerye such person or persons, vnto whom, anye such rent, or fee ferme, is or shall be due, and not payde, at the time of his death, shall and may haue, an accion of debt, for all such arrerages, against the tenant or ternautes, that oughte to haue payde the saide rent or fee fermes, so being behinde, in the life of their testatour, or against the executors and administratours of the said ternautes. And also furthermoze, it shall be lawfull to enerye such executour and administratour, of anye such persone or persones, vnto whom suche

B b. j.

rent

Rentes.

rent or fee ferme [is] or shall be due, and not paid, at the time of his death, as is aforesaid to distraine for the arrerages of all such rents and fee fermes, upon the landes, tenementes and other hereditaments, which were charged with the payment of suche rentes or fee fermes, and chargeable to the distresse of the saide testatour, so long as the sayde landes, tenementes, or hereditamentes, continue, remaine and bee, in the season or possession of the saide tenaunt in demeaune, who oughte immediatlye to haue paid the sayde rente or fee ferme, so beinge behynde to the sayde testatour, in his life, or in the season or possession, of anye other persone or persones, claimynge the saide landes, tenementes and hereditamentes, onely by and from the same tenaunte, by purchase, gifte, or descent, in like maner and fourme as their saide testatour mought or oughte to haue done in his life time, and the saide executours and administratours, shall for the same distresse, lawfully make auowry, upon their matter aforesaid.

¶ Provided also, that this acte nor any thing therein contained, shal not extende, to anye suche manour, lordship or dominion in Wales, or in the marches of the same, where of the inhabitauntes haue vsed time out of the minde of man, to pay vnto every Lord or owner of such lordship manour or dominion, at his or their first entrie into the same anye summe or summes of money, for the
re-

redempcion and discharge of all duties for faitures and penalties, where with the saide inhabitautes, were chargeable, to anye of their saide lordes auncestours or predeceffours befoze his saide entre.

¶ And further be it enacted by the auctoritie aforesaide, that if any man, which now hath, or hereafter shall haue in the righte of his wife, any estate in fee simple, fee taile, or for terme of life, or in anye rentes or fee fermes, and the same rentes or fee fermes, now be, or hereafter shall be due behinde and vnpaide, in the saide wiues life, than the saide husbandoe, after the death of his saide wife, his executours and administratours, shall haue an accion of debt for the saide arrearages, againste the tennaunt of the demesne that ought to haue paide the same, his executours or administratours. And also y^e said husbandoe, after the death of his saide wife, may distraine for the said arrearages, in like maner and fourme, as he mought haue done, if his saide wife had ben than living & make auowrie vpon his matter as is aforesaid.

¶ And likewise it is further enacted by the auctoritie aforesaid, y^e if any pson or persōs which now hath or hereafter shall haue, any rentes or fee fermes, for terme of life or lues of any other pson or persōs, & y^e said rēt or fee ferme, now be, or hereafter shalbe due, & behind & vnpaid, in y^e life of such person or persōs, for whose life or lues, y^e estate of y^e said rent or fee ferme did depende or cōtinue, and

Rentes.

after the said person or persones both dye.
 Then he unto whom the saide rentes or fee
 ferme was due in fourme aforesaid, his exe-
 cutours & administratours, shal & may haue
 an actiō of debt, against y^e tenant in demesne
 that ought to haue payde the same, when it
 firste was due, his executours and adminis-
 tratours, and also distraine for the same ar-
 rerages, vpon such landes and tenementes,
 out of the which the saide rentes or fee fermes
 were issuing and payable, in suche like maner
 and fourme, as he ought or might haue done
 if such persone or persons, by whose deathe,
 the aforesaide estate in the said rentes and fee
 fermes was determined and expired, had ben
 in full life and not deade: And the auowrye,
 for the takinge of the same distresse, to bee
 made in maner and fourme aforesaid.

¶ Willes.

¶ An acte for the explanacion of the statutes
 of Willes, an. 34. H. 8. ca. 5.

¶ Willes, 3.



Wher in the last parliament,
 begunne and holden at West-
 minster the xxviij. day of As-
 pill, in y^e 31. yere of the kings
 most gracious raigne | cap.
 primo Willes. 2. | And ther
 by diuers prologacions holdē and continued
 unto

statute do
 p^r 166.

unto the xxiiij. day of July, in the xxxij. yere
of his saide raigne. It was by the kinges
most gracious and liberal disposition, shew=
ed towarde his moste humble and obedient
subiectes, ordeined and enacted, how and in
what maner, landes, tenementes, and here=
ditamentes, might by will, or testament, in
writinge, or otherwise by any acte or actes
lawfully executed in the life of euery person
geuen, disposed, willed, or devised, for the ad=
uancement of the wife preferment of chil=
dren, payment of debtes, of euery suche per=
son, or otherwise, at his will or pleasure, as
in the same acte moze plainly is declared.
Sithen the makinge of which estatute, by=
uers doubtes, questions, and ambiguities,
haue risen, bene moued and growen, by diuer=
sitie of opinions taking, in and vpon the ex=
position of the letter of the same estatute.

¶ For a plaine declaracion and explanaci=
on whereof, and to the intent and purpose,
that the kinges obedient and louing subiec=
tes, shall and may take the commodity and
aduantage of the kinges saide gracious and
liberall disposition, the lordes spirituall and
temporall, and the commons in this present
parliament assembled, most humble beseechen
the kinges maiesty, that the meaning of the
letter of the same estatute, concerninge suche
matters hereafter reherfed, may be by the
aucthority of this present parliament enacted
taken, expounded, iudged, declared, & expla=
ned, in maner and fourme folowing.

¶ B. iij

¶ First

VVilles.

I First where it is contained in the same former statute, within diuers articles and branches of the same, that all and singuler persone and persons, hauing any manours, landes, tenementes, or hereditamentes, of the estate of inheritaunce, shoulde haue full & free libertie power and aucthoritie, to geue, will, dispose, or assigne, as well by last will and testament in writing, or otherwise, by any acte or actes lawfully executed in his life his manours, landes, tenementes, or hereditamentes, or anye of them in suche maner and fourme, as in the same former acte moze at large it doth appere. Which wordes of estate of inheritance, by the aucthoritie of this present parliament, is and shal bee declared, expounded, taken, and iudged, of estates in fee simple onely. And also that al and singuler person and persones, hauing a sole estate or interest in fee simple, or leised in fee simple, in copercenary, or in common in fee simple, of and in anye manours, landes, tenementes, rentes, or other hereditamentes, in possession, reuerision or remainder, or of rentes or seruices incident to any reuerision or remainder, and hauing no manours, landes, tenementes, or hereditaments holden of the king, his heires or successors, or of any other person or persons, by knightes seruice, shall haue full and free liberty power and aucthoritie to geue, dispose, will, or deuise, to anye person or persones (except bodies politike & corporate) by his last will and testament, in
writ

Writing, or otherwise, by any acte or actes, lawfully executed in his life, by him selfe soly or by himselfe and other, iointly, severally, or particularly, or by al those waies or anye of them, as much as in him of right is or shal be, all his said manours, landes, tenementes, rentes, and hereditamentes, or any of them, or any rentes, commons, or other pofites, or commodities, out of, or to be perceiued of the same, or out of any parcell therof, at his owne free will and pleasure anye clause in the saide former acte not withstanding.

¶ And further be it declared and enacted by the aucthoritie aforesaide, that al and singular person and persons, hauing a sole estate or interest in fee simple, or seised in fee simple in coparceners, or in comon in fee simple, of or in, any manours, landes, tenements, rents or other hereditaments, in possession, reuer- sion, or remainder, or of and in, any rentes or seruices incident to any reuer sion or reman- der, holden of the king by knightes seruice in chiefe, or of the nature of knightes seruice in chief, hath and by the aucthoritie of this pre- sent parliament shall have full and free liber- tie, power, and aucthoritie, to geue, dispose, sell, or assigne to any person or persons (ex- cepte bodies politike and corporate) by hys last will & testament in Writing, or otherwise by any acte or actes, lawfully executed in his life, by him selfe soly, or by himselfe and other iointly, severally, or particularly, or by al those waies or any of the, as much as in him

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of right is or shall be, two partes aswell of all the said manours, lands, tenements, rentes, and hereditamentes, as of al and singular his other rentes, and hereditamentes, or of any of them, or anye rentes, commons, or other profites or commodities, out of, or to be perceiued of the same two partes, or out of any parcel therof, in thre partes to be deuided, or as much therof, as shal amount to the full and clere yersly value of two partes therof, in thre partes to be deuided, of what person or persons so euer they be holden, at his free will and pleasure. And that by the aucthoritie aforesaid, the said will so declared shalbe good and effectuell for two partes of the said manours, landes, tenementes, & hereditamentes, although the will so declared be made of the whole, or of more than of two partes of the same. The same deuision to be made and set forth, by the deuiseur or owner of the same manours, landes, tenementes, and hereditamentes, by his last will in writing, or otherwise in writing. And in defaute thereof, by a commission to be graunted out of the kinges court of the wardes and liueries, vpon the inquiry of the true value therof, by the othes of xij. men, and retourne or certificat therof had in the same court, of the saide manours, landes, tenementes, and hereditamentes, diuision to be made by the master of the wardes and liueries, if the master of the wardes and liueries for the time being, and the parties therunto can not otherwise

wile

wise agree vpon the same deuision. And that the issues and profites of the two partes of the same manours, landes, tenementes, and hereditamentes vpon euery such deuision, to be restozed to them, that shal haue righte, or title to the same, from the death of the owner or deuisor therof.

¶ And further be it enacted and declared, by thauthozity aforesaide, that all and singular person and persones, hauing a sole estate or interest in fee simple, or seised in fee simple, in copercenarie, or in common, in fee simple, of and in, any manours, landes, tenementes, rentes, or other hereditamentes, in possession, reuerſion, or remainder, or of and in any rentes, or seruices, incident to any reuerſion or remainder, holden of the king, his heires or successors by knightes seruyce, & not in chiefe, or holden of any other pson or persons by knightes seruice shal haue full & free libertie, power & aucthoritie, to geue, dispose, wil or deuise, to any persō or persons, excepte bodies politike & corporate, by his last wil & testamēt in wyting, or otherwise, by any act or actes lawfully executed in his life, by himselfe soly or by himselfe & other, iointly seuerally, or particularly, or by all those wayes, or any of them, as much as in him of righte is or shall be, two partes of al the said manours landes, tenementes, and hereditamentes, or any of them so holden by knightes seruice, or anye rentes common or other profites or comodities, out of, or to be perceiued of the same

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same two partes, or out of any parcel therof, in thre parts to be deuided, or as much therof, as shall amount to the full & clere percipe value of two partes therof, in thre partes to be deuided, at his free will & pleasure. And that the said will so declared, by auctorite aforesaide, shall be good and effectual, for two partes of the said manours, lands, tenementes, or hereditamentes, although the will so declared be, or shall be made, of y^e whole landes & tenementes, so holden by knights seruice, or of more, than of two partes of y^e same. And also for the whole of all other such manours, lands, tenements, and hereditamentes or anye of them, not holden of the kinge by knights seruice in chief, or otherwise by knights seruice, nor of any other persō by knights seruice, & of any reys, commons, or other profits or comodities, out of, or to be perceiued of the same, or out of any parcel therof at his free wil & pleasure. The same deuision to be made and set forth, by the owner of the said manours, landes, tenementes, and hereditamentes, by his last will and testament in writing, or otherwise in writing. And in default therof, for asmuch of the same manours, landes, tenementes, and hereditamentes, as shall concerne the kings interest, by commission, to be directed out of the kinges court of the wardes and liuries, in maner & forme as is aforesaide, if the master of the wardes and liuries for the time being, and the parties therunto cannot otherwise agree vpon
the

the same deuision. And that restitution of the issues & profits of the two parties thereof, shalbe had and made, in maner & fourme abovesaid. And for such of the same manours landes, tenementes, and hereditamentes, as shall concerne the interest of any other lord or lordes, by commission to be graunted out of the kinges courte of the Chauncery, to enquire thereof, by the othes of xij. men, if the same lord or lordes, and the parties thereunto can not otherwise agree vpon the same deuision.

¶ And be it further enacted and declared by auctoritie aforesaide, that the sauinges, reseruinges, and prouisions, concerning sauing of the custodie, wardship, reliefe, and primer seison to the king, of such manours, landes, tenementes and hereditamentes, or asmuch thereof, as shall appertaine vnto him, by vertue of the said former acte, and by the declaration and exposition thereof, declared by this present acte, duringe the kinges interest therein. And also of the custodie and wardship to other lords, of as much of such manours landes, tenementes, and hereditamentes, holden of them, as shall amount and extend to the cleere yerely value of the thirde part thereof ouer and aboue al charges, without any diminucion or abridgement of the thirde part, or of the full profits thereof, comprised and mencioned in diuers articles in the said former acte contained, by y^e auctorite aforesaid be & shalbe intended, expounded, & taken, as here=

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hereafter ensueth: that is to say, that the king
shal haue and take for his full thirde parte,
of al such manours, landes, tenementes, and
hereditaments, where vnto he is or shal bee
intituled by the saide former acte, and by this
p̄sent acte, such manours, landes, and tene-
mentes, as shal by any meanes discende, or
come by discent, as well of estate of inhery-
tance in fee taile, as in fee simple, or in fee
taile onely to the heire of any suche person or
that shal make any will, gifte, disposicion, or
deuise, by his last will in w̄riting, or by anye
acte or actes lawfully executed in his life,
immediatly after the death of the same de-
uisour or owner therof. And that the will,
gift and deuise, of euery such deuiseur or ow-
ner, of and for the two partes of the sayde
manours, landes, tenementes, and heredita-
mentes, residue, shal by the aucthority afoze
said, be and stande good and effectuell in the
lawe, albeit, the same will, gift or deuise, bee
had and made of all his fee simple landes, te-
nementes, and hereditaments, or of the more
part thereof. And in case the same manours
landes, tenementes, and hereditamentes,
whiche after the death of any such owner or
deuisour, which shal make any suche gifte,
disposicion, or deuise, by his last will, in w̄ri-
tinge, or otherwise, by any acte or actes, law-
fully executed in his life, to his wife, childzen
or otherwise as is afozesaid, which shal im-
mediatly after his death, discende, reuert, re-
maine or come, to his heire or heires. as wel
of

of estate of inheritauce in fee taile, as of estate in fee simple, or fee taile onely, be not, or shall not amount or extende to the full clerely value of the full thirde parte, with the full pzoofites therof, of all the said manours, landes, tenementes, or other hereditamentes of the said deuifour or owner, accoꝝdinge to the true intent and meaning of the laide former acte, and of this pꝛesent acte, that then the kinge shall and may haue and take, into his handes and possession, to make by hys full thirde part, with the full pzoofites thereof, accoꝝding to his interest therein, as muche of the other manours, landes, tenementes, or hereditamentes, willed, geuen, disposed, or assigned by any such person, to his wife, children or otherwise, as is afoꝛesaide, as wyth such of the same, manours, landes, tenementes, and hereditamentes discended, or by any meanes come vnto the heire, as heire of anye suche deuifour or owner, shall make by the clerely value of the laide full thirde part with the full pzoofites therof, of all the sayde manours, landes, tenementes, hereditamentes, of euery such owner or deuifour, so to be had to the kinge, in title of wardshippe or pꝛimer seison, as the case shal require. And the deuifion thereof, to be had and made, and with the restitution of the pzoofites of the two partes of the laide manours, landes, tenementes, and hereditamentes, in suche maner and fourme as is aboue reherfed. And lyke benefite and aduantage, to be geuen, had and taken,

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taken, by the said aucthoritie, to every Lord and Lordes, of whom any suche manours, landes, tenementes, or hereditamentes, bene or shall bee holden by knightes service, in maner and fourme as is abovesaide concerninge onely his or their thirde partes therof, accoꝝdinge to their saide interest therein.

¶ And be it further enacted, by the aucthoritie aforesaide, that if it happen y^e same thirde parte, or any parte therof, left, willed, or assigned, to the king or other lord, at any time during their interestes therein, to be lawfullye evicted or determined, that than the king and the other Lordes, shal have as muche of the two partes residue, as shall accomplishe and make up a full thirde parte, in clere perylly value, after the rate and poꝝcion of suche manours, landes, tenementes, and hereditamentes, as shall then happen to remaine of the same thirde parte, not devicted nor determined, and of the other two partes of suche manours, landes, tenementes, and hereditamentes, as the kinge or other lord should or ought to have had, by vertue of the sayde former act, and this present acte: and y^e same to bee decided, in maner and fourme aboverherfeld, anye clause in the said former acte notwithstanding.

¶ And be it further enacted and declared by thaucthoritie aforesaid, that the savinge & reserving for fines for alienacion, by any such laste will and testament, of suche manours, landes,

landes. tenements, or hereditaments. holden
of the king by knights service in chief, or of
the nature of knights service in chief, or by
socage in chief, or of the nature of socage,
tenure in chief, or for fines for alienacion, of
such manours, landes, tenementes, or here-
ditamentes, whereof there shall be anye al-
teracion of freeholde, or of inheritance, made
by anye such laste will, comprised in divers
and sundry articles, mencioned in the said
former acte, bee and shall bee intended, ex-
pounded, taken, deemed and iudged, by the
aucthoritie aforesaide, that all suche persone
or persones, to whom the saide manours,
landes, tenementes, or hereditamentes, or
anye of them, be or shall bee given, dispo-
sed, willed, or devised, by anye suche last will,
shall bee exonerated acquitted and dischar-
ged for ever, againste the kinge, his heires
and successours, for all such fines for aliena-
tions, by anye such laste will or testament,
without licence, by suing forth of the kinges
pardone for alienacion out of the kinges
courte of Chauncery, payinge to the kinge,
his heires or successours, for the fine of eve-
ry such alienacion, the third part of the verry
ly value of the same manours, landes, tenementes
or other hereditaments, to him or the willed
or devised, & this acte from time to time, shall
be a sufficient warrant, to the lord chauncela-
lour of England, or keper of y great seal, for
the time being, for y granting out of the said
pardon or pardons, vnder y kings great seal
as

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as heretofore hath bene vsed for pardons for alienacions, without any further suite to bee made to the king for the same.

¶ And it is further declared & enacted, by the authoritie aforesaide, that willes or testaments, made of any manours, landes, tenements, or other hereditamentes, by any woman couert, or persone within the age of xxi. yerres, idiote, or by anye persone de non sane memorie, shall not be taken to bee good or effectual in the law.

¶ And be it further enacted by the authoritie aforesaid, that if any person or persons hauing estate of inheritauce, of or in, manours, landes, tenementes or hereditamentes holden of the kinge by knightes seruice in chief, or otherwise of the kinge by knightes seruice, or of any other person or persons by knightes seruice, hath geue at any time sithen the xx. daye of the said monethe of July | 32. H. 8. añ dñi 1540: | or hereafter shall geue will, deuise, or assigne, by will, or other acte executed in his life, his manours, landes, tenementes, or hereditamentes, or any of them by fraude or couine, to any other persone or persones, for terme of yerres, life or liues, with one remainder ouer in fee, or with diuers remainders ouer for terme of yerres, life or in taile, with a remainder ouer in fee simple to any persone or persones, or to his or their right heires, or at any time sithen the said xx. day of July, hath conueied or made, or hereafter shal conuey or make by fraude or couin

con-

contrary to the true intent of this acte, anye estates, condicions, menalties, tenures, or conuiciaunces, to the intent to defraud or disceiue the king of his prerogatiue, primer leason, liuerie, reliefe, wardship, mariages or rights: or any other lord of their wardships, rgliefes heriots, or other profits which shold or ought to accrue, growe or come vnto the or any of them, by or after the death of hys or their tenant, by force and according to the former estatute and of this present act & declaration: and the same estates and other conuiciaunces, being found by office to be so made or contriued by couin, fraude or disceipt, as is abouesaide, contrary to the true intent & meaning of the saide former act, and of thys act: That then the kyng, shall haue as well the wardship of the body, and custody of the landes, tenements and hereditaments, as liuery, primer leason, reliefe, and other profits, which should or ought to apperteine to the king, according to the true intent and meaning of the said former acte, and of this present act, as though no such estates or conuiciaunces by couin, had neuer bene had or made vntill the said office be lawfully vndone by trauers or otherwise. And that y other lord and lordes, of whom any suche mannours, landes, tenements or hereditaments, shalbe holden by knights seruice, as is aforesayde, shall haue their remedy in such cases, for his or their wardships of bodies and lands, by writ of right of warde, and shall distreine &

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make

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make auowry or cognisaunce, by them selues or their bailifes, for their reliefes, heriots, and other profits, which should have ben to them due, by or after the deathe of their tenant, as if no suche estate or conueiaunce had be had or made. Sauing and reseruyng alwaies, by the auctoritie aforesaid & right and title of the donees, feoffees, leasees, & devisees therof, against the said deuiseur and his heires, after the interest and title of the kyng or other lord therein ended and determined.

Provided alwaies that this act, explanation, and declaration, or any of them, or any thing in thys saide act, explanation or declaration conteyned, shall not extend to the will or devise of syr John Gaynssorde, late of Crowherst in & county of Surrey knight deceased: nor to the will or devise of Sir Peter Filpot knight deceased: nor the will or devise of Rycharde Creswel late of Mattingley in the county of South. gentleman deceased, nor to the will or devise of Thomas Anton late of the county of Berk. gentleman deceased, sonne of sir Thomas Anton knight also deceased: or shalbe in any wyse prejudicial or hurtful, to any persone or persones, for or concerning any manours, lands, tenements or hereditaments, conteyned or specified in the sayde willes or devises, or in any of them, but that the sayde last willes and devises, and euery of them shall stande, abyde, remayn and be, in the same case, force and

and effect in the lawe, to all intents purpo-
ses and constructions, as the sayde last wills
and deuises, and euery of them, were befoze
the making of this acte, declaration and ex-
planation, and of none other effecte or force:
this act, declaration and explanation, or any
of them, or any thinge therein conteyned to
the contrary thercof in any wyse notwith-
standing.

¶ Provided alway, and be it enacted by y^e
aucthoritie afozesaide, that al and euery per-
sonne and personnes from whom the kynge
or other lord or lordes, shall take any ma-
nours, landes, tenements or hereditaments
for hye or their full thirde parte, or to make
by hye or their thirde part, shall and may, by
aucthoritie of this p^resent act, in anye of the
cases afozesaide vpon hye or their bill exhy-
bited in the kinges court of Chauncerye, a-
gainst all and euery suche personne and per-
sones, whiche shalbe entituled by or vnder a-
ny suche will, gift, disposition or deuise, to y^e
other two partes, haue suche contribucion
or recompence for the same, as by the chaū-
cellour of Englande, or by the keper of the
great seale of Englande for the time
beyng, shal be thought good
and conuenient.

Be the statute. 34. H. 8. cap. 20.
of Recoueries.

C. ij.

¶ An act

Recoueries.

An acte to embarre feined recoveries of
landes, wherein the kings maiefty
is in reuerfion. 34. H. 8. ca. 20.

Recoveries.4.

Am 17. 11
1891

VVhere diuers of the kynges moſte noble progenitours and ſpeciall-lye the kinge our ſoueraigne lord, moſt liberally aboue all other, hath geuen & graunted, or otherwiſe prouided, to his and theiſe louing & good ſeruants and ſubiects, aſwell nobles as other, mannours, meales, landes, tenements, rents, ſeruices and hereditaments to them and to their heires males of their bodies, or to the heires of their bodies lawfully begotten, ininding at the time of ſuche gifts not onely to preferre and aduance preſentlye the donees, but alſo their heires in bloud of their bodies, according to the limitation of the ſaid gifts: to the intent & recompence for the ſervice of ſuche donees, ſhould not onely be a benefite for their owne perſons, but a continual profit & commodity to & for their heires coming of their bodies, whereby ſuch heires ſhould haue in ſpeciall memory and dayly remembrance, the proſp-ty that they haue & take by the ſervice of their auncellores done to the kings of this realme and thereby be the better encouraged to doe like ſervice to their ſoueraigne lord, as to their dueties of alleageaunce apperteyneth.

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note of the voyage report to David G. 101.
The up done in Taylor on the redwood fruit in
is now and has been known in Taylor's 101.

And for as muche as sundry such donces in
 taile, and their heires haue suffered, & dayly
 suffice by their consentes, vntreue and feyned
 recoueries to be had against them, with co=
 mon boucher or otherwise, of manors, mea=
 ses, landes, tenements or hereditamentes, so
 geuen, graunted or prouided, in taile by the
 kynge maiestie, or his noble progenitours,
 as is aforesaide, to the intent by fraude, co=
 uin and vndue meanes, not onely to binde &
 defete their heires inheritable by the limita=
 tion of suche gistes, but also the king of hys
 prerogatiue, wardship, primer seison, and
 other his rights, wherby questions and di=
 uersities of opinion haue risen and yet bee:
 whether such feyned and vntreue recoueries
 against suche tenants in taile, by their owne
 consentes, of landes, tenements or heredita=
 mentes, wherof the reuerision or remaynder
 is in the kinge, at the time of suche recovery
 or recoueries had, should after the death of
 tenant in taile, binde the heires in taile or not
 for the plaine declaratiō wherof, & to auoid
 and extinct from henceforthe diuersities of
 opinions in such cases: be it ordeined & enac=
 ted by authoritie of this present parliament
 that no such feyned recovery, hereafter to be
 had, by assent of parties, against any suche
 tenant or tenants in taile, of any landes, te=
 nements or hereditaments, wherof the re=
 uersion or remainder at the time of suche re=
 couerie had, shalbe in the king, shall binde or
 conclude the heires in taile, whether anye

*Ando rafe
 nango 6
 E. 6. rafe*

Et.ij.

condicion

Recoueries.

condicion| alias common| voucher be had in any such feyned recovery or not, but that after the death of every suche tenant in taile against whom any suche recovery shalbe had, the heires in taile may entre, haue and enioy the landes, tenements and hereditaments so recovered according to the fourme of y^e gift of entaile: the saide recoverye or anye other thing or things hereafter to bee had, done or suffered by or against any such tenant in taile to the contrary notwithstanding.

And be it also further enacted, by thau-
thoritie aforesaide, that the heires of everye suche tenant in taile, against whom any such feyned recovery shall be had, shall take none advantage for any recompence in value against the vouchee or his heires.

Provided alway that this acte nor any thing therein contained, be in any wise preiudicial or hurtfull to the lessee or lessees of any such tenant in taile made or to bee made by writing indented, of any manours, lands tenementes or hereditamentes for terme of xxi. yeres, thre liues, or vnder, whereupon the accustomed rent and rentes or more, is or shalbe reserved, yearelye during the same terme and termes: but the same lessee and lessees, shall and may haue and enioy his or their terme and termes therein against the heire and heires of every such tenant in taile according to the tenour, purport and effecte of the statute made in the xxxij. yere of the reigne of our soueraign lord king Henry y^e. 8.
any

any thing in this act conteined to the cōtra-
ry therof notwithstanding. | *Se Anno. 32.*
H. 8. cap. 28. Leases. 2.

¶ An act that fines in townes corporate shalbe
made as the same in time heretofore haue

ben. 34. H. 8. Cap. 22.

¶ Inrolments. 3.

VHere in the parliament, holden in
the .xxvij. yere of our most dread so-
ueraigne lord king Henry the eight
| *Se the statute ment. 32. H. 8. cap. 28. but at*
the printes be .27. H. 8. idio. quere . | It
was enacted by auctoritie of the said parli-
ament amongst other, that no fine, feoffment
or other acte or actes hereafter to bee made,
suffred or done, by the husbände onelye, of
mannours, landes, tenementes or hereby-
tamentes, beyng the inherytaunce or the
freeholde of his wyfe, durynge the couer-
ture betweene them: shall in anye wise be or
make any discontinuance therof, or be pre-
judiciall or hurtfull to the sayde wyfe, or to
her heires, or to suche as shall haue ryghte
title or interest by the same, by the deathe of
suche wyfe or wyues: but the same wyfe and
her heires, and suche other, to whom
suche ryghte shall apperteyne, after her
decease, shall and maye then lawefullye
entre, into all suche mannours, landes,

Cc. iij. tenementes

Inrolments.

tenements and hereditaments, according to their rights & titles therein, any such fine seoffement or other act to y^e contrary notwithstanding, sithens the making of whiche acte diuers doubts, questiōs, & ambiguities haue risen, that is to say, whether the recoveries and deedes enrolled, which bee in nature of fines, and wherupon women couert haue beneⁿ vbled to be examined, taken, had or knowledged as wel in y^e citie of Londō as in many other cities, boroughs & townes within the realme of England should bind al such women couert, that should happen to be examined vpon the same recoveries and deedes enrolled. In auoyding therefore all such ambiguities & doubttes. Be it enacted, by y^e kyng our soueraigne lord, the lordes spirituall & tempozal, and the commons in this p^resent parliament assembled, and by auctoritie of the same, that all recoveries, deedes enrolled and releasses heretofore knowledged and taken, or at any time hereafter to be taken and knowledged before the maiors, aldermē, recorders, chamberleines, or other head officer or officers, as well of the citie of Londō as of any other citie, borough, or towne corporate within the realme of Englande, hauing power and auctoritie to take & receiue the same, according to y^e lawdable vsages & customes of y^e said cities, boroughs & towns & euery of them, shall be, stand and remaine of like force, strength and effect, to al intēts and purposes, as they or anye of them were before

before the making of the said act, in the saide xxxij. yere of our said soueraigne lord: Anye thing in y^e same contained to the contrary in any wise notwithstanding.

An acte against vsurie.

37.H.8.Cap.9.

Vsurie.6.

Vhere before this time diuers & sundry actes, statutes and lawes haue ben ordeined, had and made within this realme, for the auoyding & punishment of vsury, being a thing vnlawfull, & of other corrupt bargaines, shiftes and cheuissances, which actes, statutes and lawes, ben so obscure and darke in entents, words & termes and vpon the same so many doubtcs, ambiguities and questions haue risen and growe and the same actes, statutes and lawes ben of so litle force or effect, that by reason thereof, litle or no punishment hath ensued to the offenders of the same, but rather hath encouraged them to vse the same. For reformation whercof, be it enacted by the kynge our soueraigne lord, by the assent of the lordes spirituall and tempozall, and the commons in this present parliament assembled, and by the aucthoritie of the same, that all & euery the saide actes, statutes and lawes, heretofore made, of, for or concernynge vsuryc, shiftes, corrupt bargaines, and cheuissances, and

Vfurye.

and euery of them, and al peines, forfaitures and penalties concerning the same, and euery patt thereof, shal from henceforth be utterly void & of none effect, to al intents constructions & purposes.

And bee it further enacted by the auctoritie aforesaide, that no personne or personnes, of what estate, degree or condicion so euer he or they be, from and after the last day of January next comming, shal by himselfe, factour, attournay, seruauant or deputy sell his marchaundises or wares to any personne or personnes, and within thre monethes next after, by hymselfe, factour, attournay, deputy, or by any other persone or persones to his vse and behouise, buy y same marchandise or wares, or any parte or parcell thereof, vpon a lesser price, knowing thē to be the same wares or marchandises, that he before did so bargain and sell, vpon the peines and forfaitures hereafter limited in this estatute.

And be it also enacted by the same auctoritie, that no person nor persons, of what estate, degree, qualitie or condicion soener he or they be, at any time after the said last day of January next comming, by way or mean of any corrupt, bargain, lene, eschange, chauce, shifte, interest of any wares, marchandises, or other thing or things whatsoener, or by any other corrupt or disceitfull way or meane, or by any couin, ingin or disceitfull way or conueyaunce, shal haue, receiue, accept

accept oz take in lucre oz gaines, for the for= bearing oz geayng daye of paiement, of one whole yere, of and for his oz their money oz other thing, that shall bee due for the same wares, marchādise, oz other thing oz things aboue the summe of x li. in the hundzed, and so after that rate, and not aboue, of & for a moze oz lesse sūme, oz for a lōger oz shorter time, & no moze oz greater gain oz sūme ther vpon to be had, vpon y peines & forfaitures hereafter in this act mencioned & contened.

¶ And be it further enacted by aucthorp= tie aforesaid, y if any person oz persōs at any time after the said last daye of Januarie, do bargain & sel, oz lay to morgage, by any way oz meane, any manors, lāds, tenements oz hereditaments, to any person oz psons, vpon con= dicion of paiement oz none payment, of anye sūme oz summes of money, to be had paid oz made, at any daye certaine, oz befoze any suche day, by him that shall so bargain, sell oz lay to morgage, the same manors, landes tenements oz hereditaments, that the same persone oz persons, to whō any such manors landes, tenements oz hereditaments, shalbe so bargained, solde oz laid to morgage, shal not by reason thereof, haue, ne take in lucre oz gains of the issues, reuenues & profits of the same manors, landes, tenements oz hereditaments, aboue the summe of ten pound in the hundzeth, for one whole yere, and so after the rate abouesaide, for a moze oz a lesser sūme, oz for a lōger oz short time, & no moze
uoz

Vsurye.

nor otherwise, vpon the paines, forfeitures & penalties hereafter in this present estatute limited & expessed.

¶ And bee it further enacted, by the auctoritie aforesaid, that if any person or persons, of what estate, degree qualitie or condition so euer he or they be, at any time after the said last day of January next commynge shall do any act or actes, thing or things, contrary to the tenure, forme and effect of this estatute, or any clause, article or sentence contained in y^e same, y^e then al & enery offender & offenders therein, or in any part therof, shall forfeit & lose for enery such offence, the treble value of the swares, marchandises and other thing or things so bargained, sold, elchanged or thifted, and the treble value of the issues and profits of the saide manours, landes, tenements, and hereditaments, so had taken or receyued by reason of any such bargain sale or mortgage, and also shall haue and suffre imprisonment of his bodie, and make fine & raunsome at the kings will & pleasure: The moitie of which forfeiture of the saide treble value, shalbe to the king, and thother moity to him or them that will sue for the same, in any of the kings courts by accion of debt bill plaint or information, in which accion, byll, plaint or information, noe wager of lawe essoigne or proteccion shalbe admitted or allowed.

¶ Provided alwaye be it enacted by the auctoritie aforesaid, that this act, nor anye thing

thing therein conteined, shal not in any wyse extend to any lawfull obligation, indurced by a condicio, nor to any statute or recognisance made & to be made, for the paymēt of a lesser summe, so that the same obligatiō, statute or recognisance, be made for a true, iust & ppyt debt, or for the perfourmance of anye other true couenants made or to bee made, vpon a iust and true intent, had betweene y parties other then in cases of vsury interest corrupt bargains, shifts or cheuisance, ne yet shal extend to any reuerie, fine, seoffement, releas confirmation or graunt, made or to bee made vpon condicion with a true intent, other thē to such reueries, fines, seoffementes, releasses, confirmations and graunts, as shal be made vpon condicion, extending to vsurie, interest, corrupt bargaines, shifts or cheuisance: any thing in this estatute conteined, or any lawe, statute or ordinance heretofore had, vled or made to the contrary notwithstanding.

This act was repealed by a statute made Anno 5. Ed. 6. cap. 20. and thereby was prohibited and punished the lending, geuing, setting out deliuering or forbearing anye summe &c. for any maner vsury encrease, lucre, gain or interest to be had, receiued or hoped for &c. which statute is also repealed and this reuiued Anno. 13. Eliz. cap. 8. which foloweth hereafter. 242.

Tenure.

An act for Tenures holden in Capite

Anno. I. E. 6. Cap. 4.

Tenure. II.



Where befoze this time, ambiguities, questioꝛs, & doubts, haue ben moued & stirred in diuers & sundry the kings courtes of Recorde. whether suche honours, castels, manours, landes, tenemēts, & other hereditamēts are holden of the king in Capite which any his louing subiects do holde by knightes seruice, socage, oz other seruices of the king, as of his Duchies, Earledomes, Baronies, honours, castels, manours, lāds, tenemēts, fees, and seignouries, which haue come to the handes and possession of diuers of his highnes most noble progenitours, by atteindour of treason, misprision of treason, atteindours of Premunire, & prouision had & done by act of parliamēt, by verdict, cōfession, conuiction oz vtlagary, & offices oz no offices thereupon founde, oz by the dissolution, surrender, oz geuing vp to the kyng, oz to any his noble progenitours, of any religious oz ecclesiastical houses oz places, oz of anye manours, landes, tenementes, and other hereditamēts, to any of the same religious oz ecclesiasticall houses oz places in anye wyle apperteyning oz belōging oz no: By meanes of

of which doubt so moued, his sayde humble and obedient subiectes and tenauntes, haue ben heretofore muche vnquyeted, molested, and greened: wherefore the kynge our soueraigne lord, mynding, and entierly desiring the quyetnesse of hys sayde subiectes, & that the certayntye of his lawes in that behalfe myght be knowen, and declared, to his saide louing subiects, for a plaine declaration and resolution, to bee had, of, for, and concerning the premisses, at the humble petition and suite of the Lords and commons in this present parliament assembled, doth ordeine, declare, and enacte, by the assent of the Lordes spirituall and tempozall, and of the commons in the present parliament assembled, and by the aucthoritie of the same, that all suche honours, castelles, manours, landes, tenementes, and other heredytamentes, and euerye of them, whiche nowe bee, or at anye tyme hereafter shalbee holden of the kyng, or of anye of hys heires or successours, by anye of hys sayde subiectes, by knyghtes seruyce, socage, or otherwise, as of anye of hys or their Dukedomes, Earledomes, Baronies, Castels, manours, landes, tenementes, fees, or seignories, whiche bee come to the kyng or hys moste noble progenytours, or hereafter shall come to the kyng, hys heires or successours, by meanes of anye suche attaynder, conuycction, vtlagarpe,

or

Tenures.

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oz of any suche dissolution, surrender, oz ge-
ning bp of any religious oz ecclesiastical hou-
ses oz places, oz of any manours, landes, te-
nements oz hereditaments, to any of the said
religious oz ecclesiastical houses oz places,
in any wise belonging oz appertaining, shall
not from henceforth, be adjudged, deemed,
taken, oz construed to any intent, construc-
tion oz purpose, to be holpen in Capite, oz as
Tenure in Capite, any ambiguitie, question,
oz doubt heretofore moued to the contrarie
notwithstanding. | See a lyke matter Mag-
na charta. cap 31.

¶ Provided alwayes, and bee it enacted
by the auctorite aforesaide, that this acte
oz any thyng therein conteyned, shall not in
any wise bee preiudiciall ne hurtfull to the
kyng, his heirs oz successours, to, for, oz con-
cerning any wardshyp, liuerie, primer sea-
son, fine for alienation, oz to, oz for any other
profit oz aduantage whiche nowe is come,
oz hereafter shall oz may come, fall, oz growe
to the king, his heirs oz successours, by oz
from any persone oz persones, whiche nowe
both, oz hereafter shall holde anye honours,
seigniouries, castles, manours, landes, tene-
ments oz other hereditamentes of the kyng
in chiefe, as of hys personne, oz of any other
hys auntyent possessyons, and beyng not
come to the kyng by anye suche attainer,
confessyon, conuiction, vtlagarie, dissol-
ution, geuing bp. oz surrender, as bee a-
bouesayde.

¶ Provided

¶ Provided alwaies, and be it enacted by the auctoritey aforesaide, that this presente acte, or any thing therein contained, or specified, shal not in any wise, or by anye meanes, geue anye aduantage, libertie, or profite to any tenaunte or owner in fee simple, of anye honours, manours, landes, tenementes, or other hereditaments, which haue heretofore sued any special or generall luerie, or Dusterie maine, out of the handes of the kinge, or of any his noble progenitours, of any honours, manours, landes, tenementes, or other hereditamentes, by what tenour or seruice they were, or be holden, or that haue, or shal, confesse, by anye matter of recozde, anye tenour in chiefe, of the kinge, but that they, theyre heires and assignes, shall haue and holde the same manours, landes, tenementes, and other hereditamentes, in like maner and fourme, as they did befoze the makinge of this presente acte, and as though this present acte had neuer ben had or made, any thing aboue declared and enacted to the contrary notwithstanding.

D d. j

Discontinuance of proces.

¶ An acte for the continuance of Actions after the death of any king, an. I.E. 6. ca. 7.

Discontinuance of proces. 2.

From henceforth by the death, or demise of the kings Whaesty that now is, (whose life almighty god longe preserve, kepe, and maintain in his most roial estate) nor by the death or demise of any that hereafter shalbe kinge of this Realme, any accion, suit, bill, or plainte, now or that hereafter shall depende betwene partie and partye in anye of the courtes aforesaide .i.s. the kinges courtes, and other courtes of recozdes, | shall not in anye wyse be discontinued, or put without day. But that the processe, ples, demurres, and continuances in euery accion, accions, suppes, billes, or plaintes. which now, or that hereafter shall depende shall stande good and effectuell, and be prosecuted, and sued forth in such maner and fourme, and in the same estate, condicion and order, as if the same kinge had liued, or continued in full life, the death or demise hereafter of anye kinge of this Realme notwithstanding.

¶ And that all and all maner of iudicial processe that hereafter shall bee had, or pursued in the tyme of the raigne of any other kinge, then raigned at the tyme of the pursuite of the originall, or other former processe, shalbe made in the name of the kinge, that

Discontinuāce of proces, fo, 210

that for the time shall raigne, and be king of this Realme, and that variance touching the same proceſſe betwens the names of y^e kings shall not bee in anye wiſe materiall, as concerning anye defaulte to be alleged, or obieced therfoze.

¶ And also bee it further established and enacted by th^e aucthoritie afozeſaide that all and every W^{rit} of nouel diſſeiſine, W^{rit} of mortdaunceſtour, Juris-vtrum, and attaint which at any time hereafter ſhalbe arrayg-
ned, commenced or ſued befoze anye of the kinges Juſtices of W^{rit}, ſhall not from hencefozth bee diſcontinued or put without day, by reaſon of death, new commiſſion, aſſociacion, or not comminge of the ſame Juſtices of aſſiſe, or any of them, but ſhal ſtand good and effectuell in the lawe, to all inten-
tes, conſtructions and purpoſes, the death, new commiſſion, aſſociacion, or not cominge of the ſame Juſtices, or any of them, in anye wiſe notwithstanding.

¶ And ouer that, be it ordeined and enac-
ted by the aucthoritie afozeſaide, that albeit any demaundant or plaintife in anye maner of accion, bill, or ſuite, ſhall fortune to be made, or created, Duke, archbiſhoppe, mar-
ques, earle, viſcount, baron, biſhop, knight, Juſtice, of the one benche or of the other, or Sergeaunt at lawe, dependinge the ſame accion, byll, or ſuite, yet that not-
withſtandinge, that no writte, action, or ſuite, ſhall for ſuche cauſe in anye wiſe be

Discontinuance of proces

abatable or abated, but shall remaine in lyke force, goodnes, & strength, as the same was befoze, any lawe, or vsage to the contrary in any wise notwithstanding.

C And also be it ordeined and enacted by the aucthoritie aforesaide, that albeit anye person or persones being Justice of Assise, Justice of Gaole delyuerie, or Justice of peace within any of the kinges dominions, or being in anye other of the kinges commissions whatsoeuer shall fortune to be made, or created Duke, Archbishop, Marques, earle, viscount, baron, bishoppe, knight, Justice of thone bench, or of the other, or sergeant at lawe, or shirue, yet that notwithstanding, he and they shall remaine Justice and commissioner, and haue ful power and aucthoritie to execute the same in like maner & forme as he or they might, or ought to haue done befoze the same.

C And be it ordeined and enacted by the aucthoritie aforesaide, that in all cases, wher any persone or persones hertofore haue ben or hereafter shalbe founde guiltye of any manner of treason, murder, manslaughter, rape or other felony whatsoeuer, for the whiche iudgement of deathe shoulde or maye ensue, and shalbe repried to prison without iudgement at that time geuen against him, her, or them so founde guilty, that those persones that at any time hereafter shall by the kings letters patentes be assigned Justices to delyuer the gaole, wher any such persone or persons

Discontinuāce of proces fo. 211

sons founde giltye shall remaine, shall haue full power and aucthoritie to geue indgement of death againste such person so found gilty & repried, as the same Iustices (before whom suche personne or persones was, or were founde giltye) mighte haue done, if their commission of Gaole deliuerie had remained and continued in ful force & strength. And ouer that, that no maner of processe, or suite made, sued, or had before any Iustices of assise, gaole deliuerie, Dier and terminer, Iustice of peace, or other of the kinges commissioners, shall, ne in anye wise be discontinued by the makinge and publishing of anye newe commission or associacion, or by alteringe of the names of the Iustices of Assise, Gaole deliuerie, Dier and terminer, Iustices of peace, or other the kinges commissioners, but that the newe Iustices of Assise, Gaole deliuerie, and of the peace, and other commissioners maye

procede in euery behalfe, as if

the olde commissions, and

Iustices, and cōmissi-

oners had stil remain-

ned & continued

not alte-

. red.


D d. iij.

Monasteries.

¶ An acte whereby certaine Chauntries, colleges, free chappelles, and the possessions of the same, be geuen to the kinges maieſtie.

Añ. I. E. 6. ca. 14.

¶ Monasteries. 13.

 He kinges most louing subiectes, the Lordes spirituall and temporall, and the commons in this present parliament assembled, considering that a great part of supersticion and errors in Christian Religion, hath bene brought into the mindes and estimation of men, by reason of the ignorance of their very true and perſite ſaluacion, thzough the death of Ieſus Chziſt, and by deuiling and phanſaſying vaine opinions of purgatorie, and maſſes ſatiffactorie, to bee done for them, whiche be departed. The which doctrine a vaine opinion, by nothinge moze is maynteyned and vpholden then by the abuſe of Trentalles, Chauntries, and other pzouiſions made for the continuance of the ſaid blindeneſſe and ignorance. And farther conſideringe and vnderſtandinge that the alteration, chaunge, and amendement of the ſame, and conuertinge to good and godlye vſes, as in erectinge Grammar Scholes to the educacion of youth in vertue and godlyneſſe,

ynesse, the further augmenting of the Uni-
 versities, and better prouision for the poore
 and needie, cannot in this present Parlia-
 ment bee prouided, and conuenientlye done,
 nor cannot, ne oughte to anye other maner
 persone bee committed, then to the kinges
 highnesse, whose Maiestie, with, and by the
 aduise of his highnesse moste prudent coun-
 saile, can and will moste wisely, and benefi-
 cially both for the honour of god, and the
 weale of his Maiesties Realme, order, al-
 ter, conuert, and dispose the same. And cal-
 linge furder to their remembraunce that in
 the Parliament holden at Westminster the
 xxxvij. yere of the raigne of our late So-
 ueraigne Lorde kinge Henrre the eighte,
 father to our moste dreade and naturall So-
 ueraigne Lorde the kinge, that now is,
 [capit quarto.] It was ordeined, enacted,
 and established amongste other thinges,
 that all and singuler Colledges, free chap-
 pells, Chauntries, Hospitalls, Frater-
 nities, Brotherhodes, Guildes, and other
 promotions, mencioned in the saide former
 acte, had, or made to haue continuance in
 perpetuitie for ever, and then bringe, or
 that had, or oughte to bee contrioutors
 or chargeable to the payment of the first
 frutes and tenthes, accordynge to the
 lawes and statutes in that behaulfe had, and
 made, by what name, surname, degree, or co-
 poracion, they or any of them were founded
 ordeined, established, erected, named, called

D. d. iiij.

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 the

Monasteries.

or knowen, and all and singuler the mansion
houses, manours, or chardes, gardeines, lan-
des, tenementes, pastures, woodes, waters,
rentes, reuerfions, seruises, commons, rithes
pensions, porcions, churches, chappelles, ad-
uowfons, nominacions, patronages, annuy-
ties, rightes, interestes, entries, condicions,
leetes, courtes, liberties, priuiledges, fran-
chises, and other hereditaments whatsoeuer
then appertaining, or belonging, or that did
appertaine, or belonge, or were assigned, or
appointed to any such colledge, free chapell
chauntrie, hospital, fraternitie, brotherhed,
guilde, stipendarie prieste, or other the sayde
promociions, or to any of them, or accepted,
known, or taken as part, parcel, or member
of them, or of any of them: & to the saide col-
ledges, chauntries, free chapels, hospitalles,
fraternities, brotherhed, guilde, stipendarye
priestes, or other promociions, or to anye of
them vniited or annexed, which betwene the
fourth day of februarye, in the xxvij. yere of
the saide late kinges raigne, and the xxv.
day of December in the xxxvij. of his graces
raigne, by reason of any entrie, expulsio, bar-
gaine, sale, feoffement, fine, recouerye, leasse,
or other conueyance thereof made, were dis-
solved, determined, or relinquished by any of
the waies, meanes, or conueyances, mencio-
ned in the said acte, or otherwise other then
such of them, as then were in the possession
of the said late king, or that were graunted
or assured by his licence, agreement, consent

or letters patentcs, to any person or persons
or then had bene lawfully obtained, or re-
couered by any person, by any former right,
or title, without fraude or couine, or by the
kinges licence, shall from henceforth by auc-
thoritie of the same former acte, be adiudged
and deemed, and also bee in the verye actuall
and reall possession and seison of the sayde
late kinge and of his heires and successours
for euer, in as large and ample maner, as the
saide ppiestes, wardens, masters, ministers,
gouernours, rulers, or other incumbents, or
any of them, or the patrons, donours, or fou-
ders of any of them at any tyme lieths the
said fourth day of February in the xxvii yere
aforesaide, had, occupied, or enioyed, or then
had, occupied, or enioyed the same, and as
though all and singuler the saide colledges,
chauntries, hospitalles, free chapelles, frater-
nities, brotherhodes, guildes, and other the
saide promotions, and the saide manours,
landes, tenementes, hereditamentes, and o-
ther the pzenmisses, whatsoeuer they be, and
euerye of them, had bene in the saide former
acte, specially, particulary, and certainly re-
hearsed, named and expressed, by expresse
woordes, names, surnames, corporacyons,
titles, and faculties, and in their natural
kinds and qualities: the saide entries, expul-
sions, bargaines, sales, fines, feoffementes, re-
coneries, or other assurance, and conueiance
whatsoeuer they were, had or made (except
befoze in the former acte excepted) to the
con=

Monasteries.

contrarie notwithstanding:

¶ And where also it was enacted & graunted by the saide late kinge, by the sayde former acte, that the same late kinge during his naturall life, mighte make and direct his commission and commissions vnder his greate seale, to entre into all and singuler suche and as manye Chauntries, free chappelles, hospitalles, colledges, and other the promotions, mencioned in the saide former acte, and into all and singuler such manors, mancions, houses, measses, landes, tenementes, pastures, woodes, waters, rentes, reuercions, seruices, possessions, and other hereditamentes, whatsoeuer, or into anye parte, or parcell thereof in the name, feason and possession of all the hereditamentes, annexed, vnitied, belonginge, or appertaininge to anye Chaunttrie, hospitall, free chappell, colledge, fraternitie, brotherhed, guylde, or other the sayde promotions, or wherof anye priettes, prouostes, gouernours, rulers, or other incumbentes, of them, or anye of them, by what name, surname, degree, title, or corporacion they, and euery of them, or anye of them were founded, erected, ordeyned, established, named, called, or knowen, then had or enioyed, or that hereafter shoulde haue, or enioye to the sayde chauntries, hospitalles, free chappelles, colledges, fraternities, brotherheddes, guyldes, or other the saide promotions that then were chargeable to the paymente of the
first

firste fruites, and tenthes: and all colled-
 ges that were chargeable, or not chargea-
 ble to the sayde payment of the firste fruy-
 tes, and tenthes as is aforesaide, or to a-
 ny of them, as shoulde bee named, expref-
 sed and appointed in the sayde commissyon,
 or commissions, and to seyle and take the
 same chauntries, hospitalles, colledges, free
 chappelles, fraternities, brotherhoodes,
 guildes, and other the said promotions, ma-
 nours, landes, tenementes, and other the
 premisles, menciones in the saide commys-
 sion or commissions, and in euerye of them,
 and euerye parte, parcell and member of
 the same into the kinges possession and
 handes, to haue and to holde the same to
 the saide late kinge, and to his heyres and
 successours, for euer, as by the sayde for-
 mer acte amongste other thinges moze at
 large appeareth. It is nowe ordeyned and
 enacted by the kinge our Soueraygne lord
 with the assent of the lordes and commons
 in this present Parliament assembled, and
 by the auctorite of the same, that all ma-
 ner of Colledges, free Chapelles, and
 chauntries, hauiuge, being, or in Elle with-
in five yeres nexte before the firste daye of
this present Parliamente, whiche were not
 in actuall and reall possession of the sayde
 late kinge, nor in the actuall and real posses-
 sion of the king our soueraigne lord that now
 is, nor excepted in the sayde former acte in
 fourme aboue saide, other then suche as
 by

Monasteries.

by the kinges commissions in fourine here-
after mencioned shalbe altered, transposed,
or chaunged, and all manours, landes, te-
nementes, rentes, tiches, pensions, porcions,
and other hereditamentes, and thinges a-
boue mencioned, belonging to them or anye
of them, and also al manours, landes, tene-
mentes, rentes, and other hereditamentes,
and thinges aboue mencioned by any maner
of assurance, conueiance, will, deuise, or other
wise, had, made suffered, knowledged, or de-
clared, geuen, assigned, limited, or appointed
to the finding of any prieste, to haue continu-
ance for euer, and wherewith, or wherby a-
ny prieste was susteyned, mainteyned, or
foude within five yerres next before y first daie
of this present parliament which were not in
y actual & real possession of y said late king,
nor in y actual & real possession of our soue-
raigne Lord the kinge that now is, and also
al annuall rentes, profites, and emolumentes
at anye time within five yerres nexte before
the beginninge of this present Parliament
employed, paide or bestowed, towarde, or for
the mainienaunce, supportacion, or findinge
of any stipendary prieste, intending by anye
acte or writing to haue continuance for euer
shall by the aucthoritie of this present Par-
liament, immediatly after the feast of Easter
next comning, be adiudged and demed, and
also be in the very actuall and real possession
and seasion of the kinge our soueraigne Lord
and his heires, & successours for euer wout
any

any office or other inquisition thereof to bee had, or founde, & in as large and ample manner and fourme, as the priestes, wardens, masters, ministers, gouernours, rulers, or other incumbentes of them, or anye of them, at any time within five yerres next befoze the beginning of this present parliament, had, occupied, or enioyed, or now hath, occupieth or enioyeth the same, and as though all and singuler the saide Colledges, free chapelles, chauntries, stipendes, salaries of priestes, & the said manours, landes, tenementes, hereditamentes, and other the premisses whatsoeuer they be, and enery of them, were in this present acte specially, particularly, and certeinly, reherfed, named and exprested by expresse woordes, names, surnames, corporacions, titles, and faculties, and in their natures, kindes & qualities.

¶ And ouer that be it ordeined and enacted by the aucthoritie of this present parliament that where any manours, landes, tenementes, tithes, pensions, porcions, rentes, profits or other hereditamentes, by any manner of assurance, conueyance, will, deuise, or otherwise at any time heretofore, had, made, suffered, knowledged, or declared, were genen, assigned, or appointed, to, or for the maintenāce sustentacion, or findinge of one prieste, or of diuers priestes for terme of certaine yerres, yet continuing, and that any prieste hath ben maintained, sustained, or founde with y same or with the reuenues or profits therof with
in

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in fyue yeres laste paste that the kinge, from the saide feast of Easter nexte comynge, shall haue and enioy in euerye behaife, for, and duringe all suche time to come, euerye suche and like thinges, tenementes, hereditamentes, profits, and emolumentes, as the prieste or priestes ought, or should haue had for or towarde his, or their maintenaunce, sustenaunce, or findinge, and for no lenger, or further time, nor for anye other profite, aduantage or commoditie therof to be taken.

Provided alwaies, and it is ordeined and enacted by the auctoritie of this present Parliament, that when and as soone as the time assigned, for the maintenaunce, sustentacion, or finding of the prieste or priestes shall be expired and runne, that then it shall be lawfull to euerye person and persones, to whom any manours, landes, tenementes, tithes, porcions, pensions, rentes, and other hereditamentes, or any of them shoulde haue belonged, or appertained if the saide former acte and this acte had neuer bene had or made, to enter into, take, perceiue, haue and enioy the same without any maner of livery, Duster le maine, petition, or other suit to be made to the kinge, in like maner, forme, and condicion, to all intentes, constructions, and purposes, as though the saide former acte, and this acte had neuer bene had, or made, and as though the kinge had neuer had anye season or possession thereof, any thing
in

in the sayde former acte oz in this acte, to the contrarie in anye wyse notwithstand-
ing.

¶ And be it ordeined and enacted by the auctorite of this present Parliament that the king our soueraigne Lorde, his heires and successours from the saide feast of Easter nexte comminge, shall haue, holde, perceiue, and enioy for euer, al, landes, tenementes, rentes, and other hereditamentes, which by any maner of assurance, conueyance, willes, will, deuise, oz otherwise, at any time heretofore had, made, suffered, knowledged, oz declared, were geuen, assigned, oz appointed, to goe, oz be employed, wholly to the findinge oz maintenaunce of any anniuersarie, oz obite oz other like thing, entente, oz purpose oz of anye lighte, oz lampe, in anye churche oz chappell, to haue continuance for euer, whiche hath bene kepte, oz maintained within five yerres next befoze the said first day of this present parliament.

¶ And also that where but parte of the issues, oz reuenues of anye manours, landes tenementes, rentes, oz other hereditaments, hath by any of the waies, oz meanes aboue saide bee geuen, assigned oz appointed to bee bestewed, oz employed to the findynge, oz maintenaunce of anye anniuersarye, oz obyte oz other like thinge, intente, oz purpose, oz of anye lighte oz lampe in anye churche oz chappell, and to haue continuance for euer, that then our Soueraigne Lorde
the

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the king shall from the saide feast of Easter next comming for ever haue, perceiue, and enioy euery such summes of money, that in any one yere within fve yerres next befoze & first day of this present parliament, hath ben expended and bestowed about the findinge or maintenaunce of any such anniuersary, or obite, or other like thing, intent, or purpose of any light, or lampe, to him, his heires, & successours for ever, as a rent charge to be paid yerely at the feastes of Saint Michaell the Archangell, and the Annunciacion of our Lady Sainte Marye the virgine, by euery porcions in the kinges court of the Augmentacions, and reuenues of his crowne, or in anye other courte or courtes, as the kinge hereafter shall appoint. And that it shall bee lawfull to our saide soueraigne Lorde the king, his heires & successours, for none payment of any such summe or summes of money, to distreine in the said manours, landes, and tenementes of the issues and reuenues, whereof the saide anniuersary, or obyte, or other like thing, or any such light or lampe was founde, susteyned, or mainteined. And that for lacke of sufficient distresse, in or vpon any of the premisses, whereof any of the saide yerely rentes, or summes of money shoulde be payde by the space of one monethe next after, that any of the saide rentes shoulde be payde, and be not paid within the said moneth, that then it shalbe lawfull to, and for our soueraigne Lorde the kinge, his heires and

and successours, by vertue of this present act to enter into, and to haue, and possesse, as muche of the landes, tenementes, and hereditaments, whereof the said rent, or rentes shoulde bee leuyed, or payde, as the rente or rentes that shoulde be leuyed, or payed oute of the same, both or shall amount or come to in yerely value, and the same landes, tenementes and hereditamentes, to holde and keepe, and to haue [to] our sayd soueraigne lord the kynge, hys heires and assignes for euer, or for suche estate as oure soueraygne lord the kynge, hys heires, or successours, had, or ought to haue had, of, or in the saide rent, or rentes.

And it is also ordeined and enacted by the aucthoritie of this present parliament, that our soueraigne lord & king, shal from & said feast of Easter next cominge, haue, perceiue and enioy all and singuler suche summes of money, profytes, commodities, and emoluments, whiche by vertue of anye manner of assuraunce, conueighaunce, composition, will, deuise, or otherwise, heretofore, haue ben geuen, assigned, limited or appointed to haue continuance for euer, whiche in any one yeare, within five yeres, next befoze the beginning of thys present parliament, haue ben payed, bestowed, or employed, by anye manner of corporations, gylde, fraternities, companies, or fellowships of misteries, or crafts, or any of them, being in England Wales, and other the kings dominions, or

¶ C. i.

by the

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by the masters, swardeines, gouernours, or other officers, or ministers, or by the master, warden, gouernour, or other officer or minister of them, or any of them, toward, or about the findinge, mainteynaunce, or sustentation of any priest or priestes of anye annuall salary or obit, lampe, light or lyghtes, or other like thing, as is aforesaide, to our said soueraigne lord the king, his heires, and successours for euer: to bee payde percelly, as a rent charge, at the feastes of Saint Michaell the Archangell, and the Annuntiation of oure Ladye, by euery porcyons, in the kynges court of Augmentations and reuenues of his crowne, or in any other courte, or courtes, as the kyng hereafter shall appoynt. And that it shalbe lawfull to oure laide soueraigne lord the kyng, hys heires and successours, for none payment of anye suche summes, or summe of money, profyte commoditie, or emolumente, or for none payment of any of them to distreigne in all the manours, lands, & tenements, of euerye suche craftes, corporations, guildes, fraternities, companies or felowships of mystryes or craftes, or any of them, by whom, or by the masters, wardens, gouernours or other officers or ministers, or master, warden, gouernour or minister, of the which anye suche summes or summe of money, profit commoditie or emolument, haue or hathe been payed, bestowed or employed: And that all and euerye of the sayde summes of money,

money, profits, commodities, and emolumentes, shall from the feast of Easter next comming, without any manner of inquisition or office to bee had or founde, bee iudged and deemed, to be in the actual and real possession of our said soueraigne lord the king, in like maner and fourme to all intents, construction & purposes, as if the same had been particularly and specially mencioned in this present act.

¶ And furthermoze bee it ordeyned and enacted by auctoritie aforesayde, that the kyng our soueraigne lord, shall from the saide feast of Easter next comminge, haue, and enioye to hym, his heires and successours for ever, all fraternities, brotherhodes and guildes, beyng within the realme of Englande and Wales, and other the kyngs dominions: and all manours, landes, tenementes and other hereditamentes, belōgging to them, or any of them, other then such corporations, gylde, fraternities, companies and felowships of mysteries or craftes, and the manours, landes, tenementes and other hereditamentes, perteyning to the saide corporations, guildes, fraternities, companies, and felowshypes of mysteries or craftes aboue mencioned) and shall by vertue of this acte bee iudged and deemed, in actuall and reall possession, of oure sayde soueraygne Lord the king his heires and successours, from the said feast of Easter next comming for ever, without any inquisitions or office
Ec. ij. therof

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thereof to be had or found &c. diuers things touching commissions, for the suruey & disposition of the premises.

And also bee it ordeined and enacted, by thauthozitie of this present parliament, that our soueraigne lord the king shal haue and enioy all suche goods, cattels, iewels, plate, ornaments, and other moueables, as were or bee the common goods of euery suche colledge, chauntrie, free chappell, or stipendary priest, belonging or annexed to the furniture or seruices of their seueral foundations, or abused of any of the said corporations, in the abuses aforesaide, the property wherof was not altered nor chaūged befoze the eight day of December in the yeare of our lord God M.D.xlvij.

And it is also ordeined & enacted by thauthozitie of this present parliament, that all suche debtes and sūmes of money, as ought or shoulde without fraude or conin hereafter bee paid of the money or goods of anye of y^e said colledges, due, or payable, by reason of anye contract, specialtye or promise, had or made, befoze the same eighth daye, shall truely and fullye bee payed by the tresorier of the kyngs court of chaugmentations and reuenues of hys crowne, or by the tresorier or receyuer of anye other courte, to which any of the premises shalbe appoynted of the kinges treasure, bring in his or their hands, with as conuenient speede, as the same may be payed.

¶ Provided

Provided alwaies, and bee it ordeyned
 and enacted by the aucthority aforesaid, that
 this acte, or any article, clause, or matter con-
 teyned in the same, shall not in anye wise ex-
 tende to anye colledge, hostell, or hall, being
 within eyther of the vniversities of Cam-
 bridge and Oxforde, nor to anye chauntrye
 founded in any of the colledges, hostelles, or
 halles, being in the same vniversities, nor to
 the free chappell of Saynt George, the
 Martir, situate in the castle of Wyndsoze,
 nor to the colledge, called saint Marye col-
 ledge of Wynchester, besides Winchester, of
 the foundation of Byshop Wykham, nor to
 the colledge of Eaton, nor to the parishe
 churche, commonly called the chappell in the
 sea in Newpton, wythin the Isle of Elye,
 in the countye of Cambridge, nor to anye
 mannours, landes, tenementes or heredi-
 tamentes to them, or to any of them, per-
 taininge or belonging, nor to any chappell,
 made or ordeined, for the ease of the people,
 dwelling distaunt from the parishe churche
 or suche like chappell, whereunto no more
 lands, or tenementes, then the churchparde,
 or a little house or close, doth belong or per-
 teyne, nor to any cathedrall church or col-
 ledge, where a Bishops see is within thys
 realme of Englande, or in Wales, nor to the
 manours, landes, tenementes, or other here-
 ditaments of anye of them (other then to
 suche chauntries, obites, lights and lamps,
 or any of them, as at any tyme, within fyue

Ce. iij.

peres

Monasteries.

peres next before the beginning of this present parliamēt, haue ben had, vsed, or mainteyned, within the saide cathedrall churches, or within any of them, or the issues, reuenues or profits of anye of the saide cathedrall churches, to which chauntries, obytes, lyghts and lampes, it is enacted by the auctoritie aforesaid, that this act shal extend.

And it is ordeyned and enacted by the auctoritie aforesaide, that oure soueraigne lord the king at anye time during hys lyfe (whiche God long preserve) may at his wil and pleasure, alter and chaunge the name or names, of all and singuler chauntries, and the foundations of the same, beyng in any of the colledges, hostelles or halles of any of the sayde vniuersities, accorดยnge as to his godly wysedome shalbe thought mete and conuenient.

Hauing to al and euery personne and persones, bodies politike and corporate, their heires and successours, and the heires and successours of euery of them (other then the masters, wardens, ministers, gouernours, rulers, priestes, incumbentes, fellowes, and brethren of the saide colledges, chauntries, free chappels, and other the premisses geuen, limpytted or appoynted to the kyngs by this acte: and the successours of them, and euery of them, and other then suche as bee, or pretende to bee foundours, patrones, or donours of the premisses, or any of them, or of any part or parcell thereof, & the heires
successours

successours and assignes of euery, or any of them: and other then suche as bee, or were feoffees, recoueries, conuisees, grauntees or deuisees of anye of the premisses, to, or for anye of the vles, purposes, or entents aboue mentioned, or to the vse of anye of the saide colledges, free chappels, chauntries, or other the premisses, geuen, limited or appoynted by this acte to the king, or to the entent to employe the rentes or profites therof, to the vse of masters, rulers, incumbentes or ministers of them, or any of them: and other then suche persone and persones, and bodies politike and corporate, their heires, successours and assignes, as claime or pretende to haue estate, ryghte, title, interest, vse, possession or condicion, of, in, or to the premisses or any part or parcell therof, by reason of any feoffement, fine, bargain and sale, or by any other wayes, meanes or conueighance to them made, of any estate of enheritaunce without the saide late kings licence, assent, consent or agreement, and withoute the licence, assent or agreement, of the kynges maiestie that now is, by anye of the sayde deanes, masters, wardens, ministers, gouernours, rulers, priestes or incumbents, or by y^e foundours, donours or patrones of the, or of anye of them, all suche ryghte, tittle, clayme, possession, interest, rentes, annuityes, commodities, commons, offices, fees, leases, liveries, livings, pencions, portions, debtes, dueties, and other profytes,

¶ Ee. iij.

Whiche

Monasteries.

Whiche they or any of them lawfully haue, or of ryght ought to haue, or might haue had, in of, or to any of the p[re]misses, or in, of, or to any part or parcell thereof, in suche like manner, forme and condicion, to all ententes, respects, constructions, and purposes, as if this acte had neuer been had nor made, and as though the sayde chauntries, colledges, and other the sayde p[ro]motions, had stil continued and remayned in their full being: and sauving to all and euerye patrone, donour, foundour, or gouernour of anye suche colledge, chauntrye, free chapell, stipendarie p[re]stes, and other the p[re]misses, geuen, ly-mitted, or appoynted to the kyng by this act and the donour, feoffour, and geuer of the aforesayde landes, tenementes, or hereditamentes, to them or any of them, or to anye bles, or purposes befoze mencioned, all such rentes, seruices, rentes secke, rents charge, fees, annuities, p[ro]fites, and offices: and also lease for terms of life, liues, and yeares, wherevpon the accustomed rent, or moze, is reserued, as they or anye of them lawfullye had, perceiued, and enioyed, in, out, or of any the sayde p[ro]motions, or out of any of y^e sayd landes, tenementes, or hereditamentes, befoze the first day of this p[re]sent parliament.

And ouer that, it is ordeined &c. that those then liuing whiche had receiued any money for any of the p[re]misses, should repay it, & of one clause that the p[re]misses shalbe in y^e survey & order of y^e court of Augmentation.

And

And it is further enacted by aucthority
aforesaid, that if any of y^e said masters, war=
deins, ministers, rulers, gouvernours, priests
incumbents, or owners of any such colledge
chauntrie, free chappell, or of any the premis=
ses, geuen, limited, or appointed to the king
by this acte, or of anye of them, sithens the
xxij. daye of Nouembze, in the seuen & thir=
ty yere of the reigne of the saide late kynge,
haue made any lease, vnder his or their com=
mon seale or otherwise, for terme of yeares,
life, or lines, of their saide colledges, chaun=
tries, freechappels, or of other the same pre=
misses, or of any part thereof, or of any ma=
nours, landes, tenements, possessions, or he=
reditaments, whatsoeuer they be, to them, or
to any of them, vnited, or annexed, belongng
or apperteyning, hypon the whiche leasses,
the vsuall and olde rentes and sermes, ac=
customed to be yelden and reserued, or more,
by the space of twenty yeres next befoze the
said. xxij. day of Nouembze, not reserued &
yelden, shalbe vtterly void and of none ef=
fect: and that all other leasses and grauntes
heretofore made of any the premisses, geuen
limited, or appointed to the kynge by thys
acte, shalbe as good, auailable, and effectual
in the lawe, to all intentes, constructions, &
purposes, as if this act had neuer ben had, or
made, any thing in this act, or any other acte
heretofore had or made, to the contrary ther
of, in any wise notwithstanding.

Prouided alwaies, & bee it further or=
deyned

Monasteries.

Deyned and enacted by the aucthoritie afoze-
saide, that this act or any thing therein con-
teyned, shall not extend to anye manours,
landes, tenements, possessions or heredyta-
mentes, whiche the saide masters, wardens
ministers, chauntrie priestes, incumbentes,
or other the saide gouernours, officers, mi-
nisters or rulers of the premisses, or of any of
thē, hath, or is, or hereafter shall haue, or be
possessed, or leased of in fee simple, fee taile
generall, or speciall for terme of life, terme
of yerres or otherwise, to his or their owne
propre vses, by enheritance or purchase: and
not being at any time vnited or annexed, to
hys or their saide colledges, free chappels,
chauntries, or other the premisses, geuen, li-
mitted or appointed to the kyng by this act:
nor shall extend to anye manours, landes,
tenementes, possessions, rentes, annui-
ties and yearlye pencion or pencions, or to
any yerely summe or summes of money, be-
yng not vnited, or parcell of any of the sayd
colledges, and other the premisses afoze-
sayde, or of anye of them heretofore geuen or
graunted by the sayde late kynge or geuen
or graunted, or hereafter to bee geuen or
graunted by the kyng our soueraygne lord,
to anye of the saide deanes, masters, war-
dens, ministers, chauntrie priestes, in-
cumbentes, gouernours or rulers of the
premisses, or of anye of them, for terme of
lyfe onelye, vnder hys great Seale of Eng-
lande, or vnder the seale of the court of the
Augmentations, & reuenues of the kinges
crown

crowne, or any other of the kynges seales of any of his courtes: anye thinge contained in this act, to the contrary in anywise notwithstanding.

¶ Provided alwaye, and be it enacted by aucthoritie aforesaid, that aswell al and euery patrone, doneur, foundour, and geeuer of any of the saide promotions or premisses, or geuer, donour, or feoffer, of any their lands, tenements, possessions, or other hereditaments, as all and euery personne and personnes, bodies, politike and corporate, whiche before the making of this acte, lawfully wythoute fraude or couin, had or enioyed, any manner of rent, or other yerely profites, to be taken perceiued, or had, of anye chauntries, colledges, free chappelles, or other the premisses, geuen, limited or appointed to the kyng by this acte, or out of anye mannours landes, tenementes or other possessions of them, or any of them shall haue and enioye the same, in like manner and fourme, as they should and ought to haue done, if the sayde colledges, chauntries, free chappels, & other the premisses geuen, limited or appoynted to the kyng by this acte, had still remained and continued in esse, and full beinge: anye thing in this act mencioned to the contrarye in any wise notwithstanding.

¶ Provided also, and be it enacted &c. a discharge of those first frutes which after y first day of this parliament shoulde growe due for the premisses.

¶ Provided

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Provided alwaies, & be it enacted, by the authority aforesaid, that all such rents, services, issues, profits, & other summes of money payable out, of, or for any of the premises, or any of the, in the kinges court of his Exchequer, shal continue, & be continually & yearly leuied, charged, or paid in the same court in such manner & fourme, as heretofore hath ben vsed: any lawe, custome, vntie of possession in the kinges highnesse, or other thing to the contrary notwithstanding: And as though the saide promotions, mannoures, landes, tenements, and other the premises had not come to the kynges handes or possession.

And be it further enacted by the authority aforesaide, that all & euery letters patēt made by the said late king Henry the eyght, or by the kings maiesty & now is, or hereafter to be made by his highnes, to any person or persons, or to anye archbishop, or byshop, or any of the sayd colledges, chauntries, free chappels, or other the premises, or any part or parcell of them, or of any lands, tenemēt, or hereditaments, belōging or appertaining, or that did belong, or apperteyne to them, or to any of them: And all fynes, gyltes, grauntes, feoffementes, recoueries, and all other assurances and conueyghaunces thereof had or made, by the assent, consent, or licence, vnder the great Seale of England, of the sayde late king Henry the eight, or of the kings maiestie that now is, to any persone
or per-

oz persones, bodiēs politike oz corpoꝛate, by any chauntry pꝛiest, master, swardeine, mynister, ruler, gouernour, oz other hauing any of the sayde pꝛomotions, of any of the saide colledges, chauntries, free chapels, oz other the pꝛemisses, oz of any of them, oz of anye part, parcell, oz membꝛe of the same, shall stand and bee in their forces, and effects, and shalbee good and effectuell in the lawe, for suche estatutes and interestes, geuen, graunted, limited, oz appointed, in any of ʒ gyfts, grauntes, assurances, oz conueighances ther of had oz made, according to their purpoꝛts, fourme and manner, and according to the true entent and meaning of the same assurances, and shalbe by aucthoꝛitie of this act good, pacite, and auailable, aswell agaynst the king, his heires and successours, as against the saide chauntry pꝛiestes, swardeins, masters, rulers, gouernours, and other hauing anye of the saide pꝛomotions, and their successours, and the successours of euery of them: as also agaynst the foundours, donoꝛs and patrons of the same, and the ozdinarie of them, and euery of them, and the heyꝛes and successours of euery of them: any lawe, statute, ozdinance, oz other thing, to ʒ cōtraꝛy therof notwithstanding.

And where dyuers and sundꝛy byshops, deanes, archdeacons, treasaurours, pꝛebendaries, chauntrie pꝛiests, masters, pꝛouosts, rulers, gouernours of anye deanries, archdeanries, treasouroꝛships, pꝛebendes, freechappels,

Monasteries.

chappelles, chauntries or colledges, with-
in thys realme of Englande, and other the
kynge's maiesties dominions, or any of the
patrones, foundours, donours of anye of
the Byshopps, treasourourshypps, dean-
ries, chauntries, free chappelles, or other
the sayde spirituall promotions of their vo-
luntarie willes or myndes, for diuers good
and reasonable causes and consideratyon,
by Deede or Deedes enrolled, or by other Writ-
tynges or conueighaunces heretofore gees-
uen and graunted to the late kinge of fa-
mous memoire Henrye the eight, late king
of Englande, and to his heires, or to our so-
ueraigne lord the king that nowe is, and
to his heires, byuers of their deanries, arch-
deanries, treasourourshypps, prebendes,
chappelles, chauntries and colledges or any
other ecclesiasticall or spirituall promocy-
ons last befoze remembred and all, or some
part of the mannours, landes, tenements,
tythes, pencions, annuities, rentes, re-
uerfions, and other reuenues, heredyta-
mentes, possessions, emolumentes and pro-
fites, to the same byshopps, deanries,
colledges and other lyke promotions, bene-
fices, offyces and dignities, or to anye of
them belongyng, apperteyning, vnyted, or
annexed, or whiche the sayde byshops, dea-
nes, archdeacons, treasourours, chauntie
priestes, masters, prouostes, rulers, go-
uernours, and other ecclesiasticall or spiritu-
all officers or ministers, or any of the saide
patrons

patrones, donours, or foundours, or anye of them had, or enioyed in the right, or by reasoⁿ of any of the same promotions, offyces, or dignities.

¶ Be it enacted by the authoritie aforesayde, that all and euerye giftes & graunts heretofore made to the saide late kyng, and to his heires, or to our soueraigne lord the king that now is, and to his heires, by any archebysshop, byshop, deane, archedeacon, tresaurour, prebendarie, master, prouost, gouernour, or other the saide ecclesiasticall or spirituall personne or persones, or by any patrones, donour, or foundour of any of the sayde deanries, chauntries, or other of the saide spirituall or ecclesiasticall promotions, or of all, or any of the mannours, landes, tenementes, tithes, rentes, reuerfions, pencyons, porcions, annuities, or other hereditamentes, reuenues, emoluments, profits or commodities to any of the saide benefices, offices, prebendes, promotions or dignities belonging, appertaining, vnited or annexed, or whiche any of the same archbysshops, byshops, deanes, archdeacons, tresaurours, masters, prouosts, prebendaries, rulers, gouernours, officers, or ministers, patrons, foundours or donours, had, or enioyed, or haue, or enioy, or ought to haue or enioy, in y^e right or by reason or meanes of any of y^e same promotions, offices or dignities, shalbe good & effectual in y^e law, to al intents & purposes:

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Saving to all and euery person and persons, and bodie polittike & corpozate their heirs, successours, & assignes, & to the heirs, successours, and assignes of euery of them (other then the archbishops, bishops, deanes, archdeacons, treasurers, prebendaries, rulers, gouernours, wardeins, prouosts, geuours, & grauntours of any of the premisses, & their heirs, successours, and assignes, & other then such ecclesiasticall or spirituall persones, bodies polittike or corpozate, as are, or pretend to be foundours, donours, patrons, or ordynaries of the premisses, or anye of them) all suche ryghtes, titles, interestes, claimes, entrees, rentes, reuerfions, remainders, fees, offices, annuities, landes, teneiments, hereditaments, profits, commodities, and emoluments, as they or anye of them haue, or should, or ought to haue had, of, in, or to the premisses nexte aboue mencioned, or anye parte thereof, as yf thys acte had neuer been had or made, anye thyng in thys acte to the contrarie in anye wyse notwithstanding.

¶ Provided alwaies, that this act, or any thyng therein contained, shal not in any wyse extend to make good or effectual, anye gyft, graunt, bargain, sale, or alienation made by any pson, or vicar of their personages, or vicarages, or of any part or parcel therof, or of any thing to them, or any of them belonging or appertaining.

¶ Provided also, y this acte, or any thing therein

therin contained, shal not in any wise extend to hinder or prejudice George brooke knight lord Cobham, his heires or assignes, for, or concerning the late college of Cobham, in the county of Kent, or the manours, lands, tenements or possessions therof, any thing aboue mencioned to the contrary in any wise notwithstanding.

¶ Provided also, and be it enacted, by the authoritie aforesaide, that this present acte or any thing therin contained shal in anye wise extende, or be prejudiciall or hurtfull to the generall corporacion of any Citty, Buroughe, or Towne, within this Realme, or any other the kinges, dominions, ne. shal extende to any the landes, or hereditamentes, of them, or anye of them, any thinge herein contained to the contrary in anye wise notwithstanding.

¶ Provided also and be it enacted by the authoritie aforesaide, that all suche of the saide colledges, free chappelles, chauntries, and other the premisses, being appointed and given to the kings highnes, by authority of this act, as be within the Duchy of Lancaster, and all manours, landes, tenements, and hereditaments, pertaininge or belonging to the same colledges, free chappelles, and chauntries, shall after the said feast of Easter next comming, be within the surueys and order of the court of the Duchy of Lancaster, in suche maner and fourme, as other the premisses bee assigned or appointed by

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aucthoritie of this acte, to bee in the surueye and order of the courte of Augmentacions and reuenues of the kinges crowne, or other courte by the kinge to be assigned : and that all commissions, that hereafter shal be awarded by vertue and force of this acte, concerninge such colledges, free chappelles, chauntries, and other the premisses, as be wpythin the sayde Duchie of Lancaster, shall bee awarded vnder the greate seale of Englande and shall bee certifyed into the same court of the Duchye of Lancaster, anye thinge abouesayde to the contrarpe in any wyse notwithstandinge.

¶ Provided alwaies, and be it enacted by the aucthoritie aforesaide, that this acte, ne any thinge therin contained, shall extende to the Colledge, or chauntrey of Attilborough in the County of Norfolke, which the said late kinge Henry the eight gaue to Robert, Earle of Sussex, and to his heires, but that Henry now Earle of Sussex, sone and heire to the said late Earle, his heires and assignes shall and may by the aucthoritie of thys acte, haue and enioy the said colledge, and chauntrey, & all manours, landes, tenementes, aduowsons, tithes, pencions, porcions, & other hereditamentes, thereunto belonginge or appertaininge, anye thinge in this acte, to the contrape in anye wyse not wpythstandinge.

¶ Provided alwaies, and by the aucthority aforesaide, be it enacted, that the kinges
Majesty

Maistye, at anye time when it shall seeme to him good, may geue aucthoritie to certain his graces commissioners, to alter the nature and condicion of all maner of Dbytes, aswel within the vniuersities of Cambridge and Oxforde, as in anye ether place, within this his graces Realme of Englande, and wales, beinge not suppressed ne annihilate by vertue of this present acte, and the same Dbytes so altered, to dispose to a better vse, as to the reliefe of some pooze men being students, or otherwise.

¶ Provided also, and be it enacted by aucthoritie aforesaid that it shall not bee lesfull to any persone or persons, bodies politike or corporate, by reason of anye remainder, vse, or condicion, to enter into claime, or challenge anye landes, tenementes, or hereditamentes, for the none doyng, not naminge, or none findings of anye suche pryeste or priestes, or pooze folkes, as is aforesayd, obite, anniuersary, light or lampe, from hence forth to be founden or doen, anye thinge here in contained to the contrarie in anye wyse notwithstandinge.

¶ Provided alwayes, that this acte, nor anye thinge therein contained, shall in anye wise extende to anye landes, tenementes, possessions, or hereditamentes, whatsoeuer that anye Master, Deane, Prebendarie, Wardein, or chauntrye, or anye stipendarie pryeste of any colledge, chauntrye, prebende, fraternity, gylde, or any other corporations

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haue, or helde of any persone or persones, by copy of courte rolle, or at will, according to the custome of any manour or manours, nor geue or graunt anye copyholde landes to the kinges highnesse.

And also prouided, that the kings highnes, his heires or successours, shall not in any wise haue, holde, enioy, or take by vertue of this acte, or anye article therin contained, any maner of copyholde, landes, tenementes, possessions, or hereditamentes whatsoeuer they be, but that all and euerye of the sayde persones and incumbentes shall haue, hold, and enioy the same duringe their liues, towarde their pension, and yerely living, paying the rentes and doinge their customes and seruices thereof due and accustomed, any thinge in this acte, to the contrarie notwithstanding.

Prouided that this acte shall not extend to any landes, tenementes, or hereditamentes, assigned, appointed, or intended for the finding or maintenaunce of any chauntrye, prieste, or stipendary priest, which by anye former right, and good title, without fraude or couine, were lawfully recovered from the possession of anye suche chauntrye prieste, or stipendary prieste, before the first day of October: the saide xxvij. yere of the raigne of the saide late kinge Henry the eight, whiche landes, tenementes, and hereditamentes, were not charged, nor chargeable to the payment of the perpetuall tenth: any thinge in this

this acte, to the contrary hereof notwithstanding.

Unprovided alwaies, and be it enacted by the auctoritey aforesaide, that all and singular grauntes, licences, confirmacions, and letters patentes, whiche our late soueraigne Lorde kinge Henrype the eight, or our soueraigne lord the king that now is, haue made vnder the greates seale of Englande to anye person or persones, bodies, politike, or corporate, of any colledge, chappell, or chauntry now beinge in esse, or standinge, or now not beinge in esse, or not standing, or of any lordeshippes, manours, landes, tenementes, and hereditamentes, annexed, vnited, belonging, or apperteyning to any colledge, chappell, or chauntry now beinge in esse, or standinge, or now not beinge in esse, or not standinge, or of any other thing or things mencioned, expressed, or contained in any such graunt, licence, confirmacion, or letters patentes, shal from hencefoorth bee deined, taken, expounded, and adindged good and effectuell in the law, according to the wordes, sentences, meanings, ententes, fourme, and effectes of the same graunts, licences, confirmacions, and letters patentes, to all intentes, constructions, and purposes, as if this acte, and the saide acte made in the saide xxxviij. yere of the said late kinge Henry the eight, had neuer bene had, nor made: And that this acte, or the said acte made in the saide xxxviij. yere of the raigne of our said late soueraigne lord king Henry the

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eight, or any clause, article, sentence, or other thing therein contained, shall not extend to anye Colledges, chappelles, chauntries, or other thinge or thinges mencioned in thys acte, now being in esse, or standing, or now not being in esse or not standing, or to anye manours, landes, tenements, possessions, reuenues, or hereditamentes, annexed, vnited, belonginge, or appertaininge to any colledge chappell, chauntie, or other thinge mencioned in this acte now beinge in esse or standinge, or now not beinge in esse, or not standinge, or to any other thing or thinges, mencioned, or expressed in this acte: whiche anye persone or persones, bodies, politike or corporate haue had, or obtained, by the assente, licence, confirmation, graunt, or letters patentes of the said late kinge, or of the kings Maiestie that now is, nor shall extend to anye manours, landes, tenements, reuenues, possessions, hereditamentes, or other thinge or thinges, mencioned, expressed, or contained in anye suche licence, confirmation, graunt, or letters patentes, but that everye suche persone and persones, bodies, politike and corporate, their heires and successors and assignes, and the heires, successors, and assignes of euerye of them, shall haue, holde, and enioye, al and euery the same colledges, chappelles, chauntries, manours, landes, tenementes, reuenues, possessions, and hereditamentes, and al and euerye other thinge and thinges, whatsoeuer, so by them had

had or obtained, by the assent, licence, confirmation, graunt, or letters patents of the saide late kinge, or of the kinges Maiestye that nowe is, accordinge to the wordes, sentences, fourme, effecte, meaning, and intent, of the same licences, confirmacions, graunts and letters patentes, this acte, or the sayde act made in the said xxxvij. yere of the raigne of the saide late kinge Henry the eight or anye clause, article, sentence, matter, or thinge mencioned, expresse, or contained in anye of the same actes, to the contrarie thereof in anye wise notwithstandinge.

¶ Offices.

¶ An acte touching the findinge of offices before the Eschetour. Anno secundo Edwardi. 6. Cap. 8.

¶ Eschetours. 15.



Here many and dyuers persones, holding, or that haue holden, lands, tenements, or hereditaments some for terme of yeres, & some by coppe of court rolle, haue ben expelled, and put out of their termes and holdes, by reason of Inquisitiones, or offices, founden before Eschetours, commissioners, and other, containinge tenures.

¶ f. iiij.

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res of the king in capite, entitlyng the kinge
to the wardshippe or custodie of such lands
or tenementes, and sometime entitlinge the
king to the same, vpon attainours of trea-
son, felonye, or otherwyle, by reason that
suche leases for terme of yeares, or inte-
rest by coppe of court rolle, of such persons
haue not bene founde in such inquisitions or
offices: after whiche expulsion or puttinge
out, the said persones haue bene without re-
medy, for the obtaining of the said fermes &
holdes, during the kinges possession therein,
and can haue no trauers, Monstrance de
droit, ne other remedye for the same, because
their saide interest, is but a chattell in the law
or customarie holde, and no state of free
holde. And also, where anye personne or
persones, hath any rent, common, office, fee,
or other profite Appzender, of anye state of
free holde, or for yeres, or otherwise out of
such landes, or tenementes specified in suche
offices, or inquisitions the saide rent, comen
office, fee, or profite, Appzender, not found in
the same office or offices, suche persones are
in like maner without remedye, to obtayne
or haue, the saide rent, common, office, fee, or
profite Appzender, by any trauerse, or other
spedy meane, without great & excesse char-
ges, during the kinges interest therein, by
force of such inquisition or office.

¶ For remedye whereof, be it enacted by
authoritie of this present parliament, that
where any such office or inquisitions, is or
shalbe

shal be founden, omittinge suche titles, interestes, or matters, as is aforesaide, that in al such cases, euery leasee, tenaunt for terme of yeres, or copiholder, and euery such persone or persones, that haue or shall haue, any interest to any rent, common or profite Appreder for terme of yeres, life, or otherwise, out of any of the landes, tenementes, or hereditamentes contained in such office or inquisition, where the king his heires or successours is or shall be entitled, as is aforesaide, to any such landes, tenementes, or hereditamentes, shall haue, holde, enioy, and perceiue, all and euery their leasles, and interestes, for terme of yeres, or by copy of court rolle, rentes, commons, offices, fees, and profit Appreder, in suche maner, forme, state and condicion, as they and euerye of them, should or mighte, haue done, in case there had bene no such office, or inquisition found, and as they should or lawfully might, or ought to haue done, in case such lease, interest by copy of court rolle rent, common, office, fee, or profite Appreder had bene founden in such office, or inquisition, any lawe, custome or vsage to the contrary heretofore vsed in suche cases, in any wise notwithstanding.

¶ And also, where it is or shal be founden for the king, his heires or successours, that the heire or heires of his tenaunt, or tenants is or shall bee within age, where in deede such heire or heires is, or shal be at the same time of full age, or of a moze or greater age, then

Offices.

then is or shall bee contained within suche office.

¶ Be it further enacted by the aucthority aforesaide, that in euery such case, such heire and heires, shall and may at his or their very full age, or after persecute alias prosecute a writte of Estate probanda, and sue hys or their liuerye, or Duster le maine, as hys or their cases shall lye, and haue the profites of his or their landes, tenementes, or heredytamentes, from the time of his or their very full age, anye suche vnttrue office or inquisition, or any laws or custome to the contrary in any wise notwithstandinge.

¶ Also where one persone or moe, is or shall bee founden heire to the kinges tenant by office or inquisition, where any other persone is, or shall be heire, or if one persone or moe, be or shalbe founden heire by office, or inquisition, in one countye, and another person or persons is or shalbee founden heire to the same person in another county, or if any person be, or shalbe vntruely founden lunatique, ideot, or deade. Be it enacted by the aucthority aforesaide, that euery person & persons, greued, or to be greued by any such office or inquisition, shall and may haue his or their trauers to the same, immediatly, or after, at his or their pleasure, and proceede to trial therein, and haue like remedye and aduantage, as in other cases of trauers vpon vnttrue inquisitions or offices founden, any law, vsage, or custome to the contrary in any
wise

wise notwithstandinge.

¶ Also where it is or shal be hereafter vniu-
truelly founden by office or inquisition, that
any person or persons atteinted, or that shal-
be atteinted, of treason, felony, or preiunire,
is or shalbe seased of any landes, tenementes,
or hereditamentes, at any time of such treaso-
felony, or offence, committed or done, or any
time after, whereunto any other persone or
persons hath, or shall haue, any iust title or
interest of any estate of free holde, that then
in euery such case, euery person & persons gre-
ned therby, shal haue his or their trauers, or
Monstrance de droit to the same, without being
driuen to any petition of right, & like remedy
& restitution, vpon his or their title, founde
or iudged for him or them therein, as hath ben
accustomed & vled, in other cases of traaverse
although the kinges maiesty, his heires, or
successours, be or shal bee, in suche case enty-
tled to any such landes, tenementes, or here-
ditamentes, by double matter of recoorde, any
lawe, custome or vsage to the contrary in any
wise notwithstanding.

¶ And further be it enacted by the autho-
ritie aforesaid, that where any inquisition or
office, is or shalbe founden, by these wordes
or like. Quod de quo vel de quibus tenementa pre-
dicta tenentur iurati predicti ignorant, or eis foun-
den holde of the king. Per que seruic. ignorant, or
such like that in such case, such tenure so vni-
certeinly founden. De quo vel de quibus tenementa p-
dicta tenentur ignorant, shall not be take for any
inmedie

Offices.

immediatlye tenure of the king, nor such tenure so founden of the king. Per que seruic. ignorant, shal not be taken any Tenure in capite, but in such cases, a melius inquirendum, to bee awarded as hath bene accustomed in old time, any vsage of latter time to the contrary notwithstanding.

¶ And be it further enacted by aucthority aforesaide, that where it is or shalbe founde by any office, or inquisition, that any landes, tenementes, or hereditamentes, are, or shalbe discended, remained, or common to any heire within age, and in the kinges warde, or that ought to be in the kinges warde, & that such landes, tenementes, or hereditamentes, are holde of the king immediatly, wher in dede y same are or shall bee holden of some other common person, and not of the kinge immediatly: that in such case, such heire or heires, shal and may haue their trauerse to the same within age, and like remedye and restitution vpon his or their title, founden or iudged for him or them therein, as hath bene accustomed and vled in other cases of trauerses, anye lawe, vsage, or custome to the contrarie in anye wise notwithstanding.

¶ Also where the kinges Maiestie by his prerogative, ought to haue as well suche landes, and tenementes, as be holden of other persons, as holden of himselfe immediatly, whereof his tenaunt holding of himself in chiefe, dieth seised his heire being within age, vntill such time as livery be sued by such heire

heire, and that the meane Lordes, of whom
the saide other lands and tenements, of such
heire be holden, vled to spare the rentes due
to them for the same landes or tenementes,
holden of them, during the kinges possession
And when such heire hath sued, his or their
liuerie they vse by distresse, or otherwise to
compell the said heire to pay to them the ar-
rerages of such rentes, for such time as the
saide landes or tenementes, were in y^e kinges
possession by suche minority, where they
shoulde haue sued by petition to the kinges
maiesty, to haue obtained the same out of the
kinges hands, if they woulde haue the same
whiche is to the great detryment, losse, and
hinderance of such heire and heires. For re-
dresse wherof be it enacted by the auctorizy
of this p^{re}sent parliament, that from hence-
forth, such meane Lordes, duringe such mi-
nority, shall haue, receiue, and take the sayd
rentes by the handes of such the kinges offi-
cers, as shalbe appointed to haue receiue. &
take the issues, reuenues, and p^{ro}fit^{es} of the
same landes, and tenementes, so holden of such
meane Lordes, during the minority and no-
nage of such heire and heires, and vntill such
heire and heires sue his or their liuerie, and
that such heire and heires vntill such tyme
as he or they shall haue sued their liuerie, or
might conueniently haue sued their liuerie,
shalbe thereof clerely discharged. And that
such officer or officers shall vpon requeste
made, pay, the same to suche meane Lordes
(they

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(they gevinge to suche officer and officers, a sufficient acquitaunce, or acquytaunces, for the receipte of the same.) And that such payment thereof made with acquitaunce, or acquitaunces thereof, shewed, shall bee to suche officers a sufficient discharge, againste the kinges maiesty, and his heires vpon his or their accompte in that behalfe, any lawe, vsage or custome heretofore had, or vled to the contrary hereof in any wyse notwithstanding.

Provided alwaies, and it is enacted by the auctoritie aforesaide, that this acte, or anye thinge therein contained, shall not in anye wise extende to any inquisition or office taken or founden, at anye time befoze the xx day of Marche next comming, nor to hinder prejudice, or take awaye, the title, intereste, or possession of our Soueraigne Lorde the kinge, or of anye other persone or persones growen, or comen by vertue, meane or occasion of anye inquisition or office taken, or founde befoze the same day, but that as well our sayde Soueraigne lorde the king, as all other personne or persones, hauinge any title, interest, or possession, by verture, meane or occasion of any inquisition or office founde befoze the same daye, shall, and may haue, holde, and enioy the same in like maner and fourme, as though this acte had neuer ben had or made, any thinge in the same acte to the contrary in any wise notwithstanding.

Provided also, and it is enacted by the
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aucthoritie aforesaide, that in all such cases
 as anye persone or persones shall bee enha-
 bled by this acte to haue any trauers, and
 shal pursue his or their trauers, that then he
 or they that shal pursue suche trauers, shall
 sue one writte, or seuerall writtes of Scire
 facias (as the case shall require) against all
 singuler suche persone and persones as shall
 haue interest by the kinge, or by his patents
 or patentees, in like maner and fourme as is
 requisite, vpon trauerses, or petitions hereto-
 fore pursued. And that in euery suche Scire
 facias, the patentees, or other defendauntes
 shall haue lyke pless, and aduauntage, as
 they had in anye Scire facias, befoze this
 time awarded againste anye patentee in any
 case of petition. And also, & vpon euery tra-
 uers & shal be pursued by vertue or mean of
 thys act, in such case as the party or parties
 that shall pursue anye suche trauers, shoulde
 by the order of the common lawes of thys
 Realme, haue bene put to sue by petition to
 the kinge, there shalbe two writtes of searche
 graunted in maner & fourme, as like writtes
 haue ben graunted vpon petitions made to
 the kinge.

¶ Provided also, and it is enacted by the
 aucthoritie abouesaide, that if after any iudge-
 ment shalbe geuen vpon anye trauers, that
 shalbe tended, or sued by vertue or meane of
 this acte, it shall appeare by any matter of
 recoorde, that the kinge hath anye other for-
 mer title, right, or interest to the manours,
 landes

Tithes.

landes, tenementes, or other hereditaments, mencioned in the same trauers, that then the same title, right, and interest, shalbe saued to the kinge, the saide trauers and iudgement thereupon geuen, in any wise notwithstanding.

Tithes.

An Acte for payment of Tithes.

An. 2. E. 6. cap. 13.

Tithes. 10

8. ra

8. ra. 13

8. ra. 7

Stat.

E. 6. ra. 13

VV Herein the Parliament holden at Westminster the iij. day of Februarie in the xxvj. yere of the raigne of the late kinge of moste famous memoꝛye King Henry the eight. | cap. 20. Tithes. 5. | there was one acte made, concerninge payment of tithes prediall and personall. And also in another Parliament holden at Westminster the xxij. daye of July in the xxij. yere of the raigne of the said late kinge Henry the eight. | cap. 7. Tithes 8. | An other acte was made concerning true payment of tithes and offerings, in which seuerall actes. many and diuers thinges be omitted and left out, which were conuenient and very necessaris to bee added to the same. In consideration whereof, and to thintent the saide tithes may be hereafter truelye paide, according to the minde of the makers of the saide acte. Be it ordeined and enacted by the king our soueraigne Lorde, with the assent of the Lorde

lordes spirituall and temporal, and the commons in this present parliament assembled, & by the auctoritie of the same, that not onely the said actes made in the saide. xxvij. and xxxij. yerres of the reigne of the said late king Henry the eight, concerning true paymēt of tithes, and euery article, and brāunche therein contēued, shall abide and stande in their full strength and vertue, but also bee it further enacted by the auctoritie of this present parliament, that euery of the kings subiects shall from hencefoorth truely and iustly without fraude or guyle, deuide, set out, yelde and pay, al maner of their predial tithes, in their propre kinde, as they rise and happen, in such maner & fourme, as hath been of right yeldd and payd, within fortye yerres, nexte before the making of this acte, or of right or custome ought to haue been payde. And that no person shall from hencefoorth take or carry away, any suche or like tithes, whiche haue been yeldd or payde within the saide fortye yerres, or of right ought to haue ben payde, in the place or places tithable of the same, befoze he hathē iustly deuidded or set forth for the tithē thereof, the tenthē part of the same or otherwise agreed for the saē tithes, with the person, vicar, or other owner, proprietye, or fermour of the same tythes vnder y^e paine of forfaiture of treble value of y^e tithes so taken or caried away

And bee it also enacted by the auctoritye afozesaide, that at al times whensoever, and

Tythes.

as often as the saide predpall tythes shall be due, at the tithing tyme of the same, it to bee lefull to euery parry to whom anye of the sayd tythes ought to bee payd, or his deputy or seruant, to view and see their said tythes to bee iustly and truely set forth and seuered from the .ix. parties and the same quietly to take and carry away. And if anye persone carry away his corn or hay, or his other prediall tythes, befoze the tithe thereof bee set forth, or willingly withdraw his tythes of the same, or of suche other thinges, whereof prediall tythes ought to be payde, or doe stop or let the person, vicar, propriety, owner or other their deputies or fermours, to view, take, & carry away their tythes as is abovesaide, by reason whereof the saide tithe or tenth is losse, impaired, or hurte, that then vpon due prooofe thereof made, befoze the spirituall iudge, or anye other iudge, to whom heretofore hee might haue made complaynt, the party so carrying away, withdrawing, letting or stopping, shall pay the double value of the tenth or tithe, so taken, lost, withdrawn or carried away, ouer and besides y^e costes, charges and expences of y^e suite in the same, the same to be recovered befoze the ecclesiasticall iudge, according to the kynges ecclesiasticall lawes.

¶ And be it further enacted by thauthortie aforesaide, that all and euerye personne which hath or shall haue any beasts, or other cattel tithable, going, feeding, or depasturing

in any waste or common ground, whereof y^e parishe is not certayne knowne, shall paye their tithes for the increase of the said cattel so going in the said waste or common, to the person, vicar, propriety, portionary, owner or other their fermyours or deputies of y^e parish, hamlet, towne, or other place, wher the owner of y^e said cattel shabitheth or dwelleth

¶ Provided alwaies, and be it enacted by thauthozity aforesaid, that no person shalbe sued, or otherwise compelled to yeld, geue or pay any maner of tithes, for any mannours, lands, tenements, or hereditaments, whiche by lawes & statutes of this realme, or by anye priuiledge or prescription, are not chargeable with the payment of any such tithes, or that be discharged by any composition reall.

| Se before. 31. H. 8. cap. 13. fo. 152

¶ Provided alwaies, and be it enacted by thauthozity aforesaid, y^e al such baren heath or wast ground (other then suche as be discharged for y^e payment of tithes by acte of parliamt) whiche before this time haue lyen baren & paid no tithes, by reaso of y^e same barrenes, & now be, or hereafter shalbe improved & conuerted into arable ground or meadowe, shall from henceforth, after the end and terme of viij. yerres, next after such improvement, fully ended & determined, paye tithes for the corne & hay growing vppon y^e same: any thing in this acte to the contrary in any wyse notwithstanding.

¶ Provided alwaies, and be it enacted by

Ed. 6.

the

Tythes.

the aucthoritie aforesaide, that if anye suche barren, wast or heath grounde, hath before this time ben charged with the payment of any tythes, and that the same bee hereafter improued and converted into arrable ground or medow, & then & owner or owners thereof, shall during vij. yeres next folowing, fro and after the same improuement, paye suche kind of tithe as was payd for the same before the sayde improuement: anye thinge in this act to the contrary, in any wise notwithstanding.

¶ And bee it also further enacted by aucthoritie aforesaid, that enery person exercising merchandises, bargaining & selling, clothig, handicraft, or other arte or faculty, beyng such kind of persons, and in such places as heretofore within this. xl. yeres haue accustomedly vsed to paye suche personal tythes, or of right ought to pay, other then suche as ben common day laborers, shall yerely at or before the feast of Easter, pay for his personal tythes, the x. part of his clere gaires, hys charges and expences, accordinge to his estate, condition or degree, to be therein abated allowed, and deducted.

¶ Provided alwaies, and bee it enacted, that in all such places, where handy craftesmen, haue vsed to paye their tythes within this forty yeres, the same custome of payment of tythes, to be obserued, & to continue: any thig in this act to & contrary notwithstanding.

And bee it also enacted by the aucthoritye afores-

foresaide, that if any person refuse to pay his personal tithes in fourme aforesaid, that the it shalbe lefull to the Ordinary of the same dioces, where the party (that so ought to pay the said tithes) is dwelling, to call the same party befoze him, & by his discretion, to examine him by all lawfull & reasonable meannes, other then by the parties owne corporate othe, concernyng the true payment of y^e said personall tithes.

¶ Provided alwaies, & bee it enacted by the aucthoritie aforesaid, that al & euery person & psons, which by the laws or customes of this realme, ought to make or paye their offrings, shal verely fro hencefozthe, well & truely content & pay, his or their offrings, to the person, vicar, proprietary, or their deputies or farmers, of y^e parish or parishes wher it shall fortune or happen him or them, to dwell or abide: & that at suche sower offring daies, as at anye time heretofore within the space of .iiij. yeres last past, hath been vled & accustomed for y^e payment of y^e same, & in default therof, to pay for their said offrings at Easter then next folowing.

¶ Provided also, & be it enacted by the aucthoritie aforesaid, that this act or any thyng therein contained, shal not extend to anye parish, which stands vpon, & towarde the sea coasts, the comodities & occupying wherof consisteth chiefly in fishing, & haue by reaso thereof, vled to satisfie their tithes by fish, but y^e all & euery such parish & parishes shal

Tythes.

hereafter paye their tithes, accordinge to the lawdable customes, as they haue heretofore of auncient time, within this, xl. yeres, bled and accustomed, and shall pay their offrings as is aforesaid.

¶ Provided alwaies, & be it enacted by the auctoritie aforesaid, & this act, or any thing therein contained, shal not extend in any wise to the inhabitants of the citie of London & Caunterbury, & the suburbs of the same, ne to any other towne or place, that hathe bled to pay their tithes by their houses, otherwise then they ought or shoulde haue done, befoze the making of this act: any thing conteyned in this acte, to the contrary in any wise notwithstanding | He 27. H. 8. cap. 21. & 37. H. 8. cap. 12. and the decree thereuppon in the collection of statutes. Tythes. 6 & 9.

¶ And bee it further enacted by the auctoritie aforesaid, that if any person do subtract, or withdraue any manner of tithes, obuencions, profits, commodities, or other duties befoze mencioned, or any parte of them, contrary to the true meaning of this act, or of any other act heretofore made, that then the party so subtracting, or withdrauinge the same, may or shal be conuented and sued in the kinges ecclesiasticall court, by & parte from whom the same shalbee subtracted or withdrawen, to thintent the kings iudge ecclesiastical, shal and maye, then and there, here and determine the same according to the kinges ecclesiasticall lawes. And that it shal
not

not be lawfull vnto the person, vicar, ppre-
 etoꝛe, owner, or other their sermons, or
 deputies, contrary to this act, to conuent or
 sue such withholder of tithes, obuenciōs, or
 other dueties aforesaide, befoze anye other
 iudge, then ecclesiasticall. And if any arche-
 bishop, bishop, chauncellor, or other Judge
 ecclesiasticall, gene any sentence in the fore-
 saide causes of tithes, obuenciōs, profits,
 emoluments, and other dueties aforesaid, or
 in any of them (& no appeale ne prohibycion
 hanging) the party condemned do not obey
 the said sentence, that then it shalbe lefull to
 euery such iudge ecclesiasticall, to excomuni-
 cate the said party, so, as afoze condemned,
 & disobeying, in the which sentēce of excom-
 munication, if the said party excommunicate
 wilfully stand and endure still excommuni-
 cate, by the space of foꝛtye daies nexte after,
 vppon denunciation & publication thereof, in
 the parishe church, or the place or parishe,
 where the party so excommunicate is dwell-
 ling, or most abiding, the said iudge ecclesiast-
 ticall, may then at his pleasure signifie vnto
 the king into his court of chauncerye, of the
 state and condicion of the saide partye so
 excommunicate, & therbyon to require pro-
 ces De excommunicato capiēdo, to be awarded
 against euery such person, as hath ben so ex-
 communicate.

Be it further enacted by & auctorite a-
 foresaid, that if any party at anye time here-
 after, for any matter or cause befoze reheried

¶ G. iij. limited

Tythes.

limited or appointed by this act, to be sued
 or determined, in the kinges ecclesiasticall
 court, or before the ecclesiasticall Judge, do
 sue for any prohibition in any of the kinges
 courts, where prohibitions before this time
 haue been vsed to bee graunted, that then in
 euery such case, y^e saide party before any p-
 hibition shalbe graunted to him or the, shall
 bring & deliuer to the handes of some of the
 Iustices or Judges of the same court wher
 such party demaunded prohibition, the very
 true copy of the libell, dependinge in the ec-
 clesiasticall courte, concerning the matter,
 wherefore the party demaundeth prohibi-
 tion, subscribed or marked, with the hande of
 the same party, and vnder the copy of y^e said
 libel, shalbe written the suggestion, where-
 fore the party so demaundeth the said prohi-
 bition: and in case the said suggestiō, by two
 honest and sufficient witnessses at the least,
 be not proued true in the courte, where the
 said prohibition shalbe so graunted, wythin
 sixe moneths next following, after the sayde
 prohibition shalbe so graunted and awarded
 that then the party that is letted or hindered
 of his or their suite in the ecclesiasticall court
 by such prohibition, shall vppon his or their
 request & suite, without delay haue a consul-
 tacion graunted in the same case in y^e court,
 where the saide prohibition was graunted,
 and shall also recouer double costes and da-
 mages against the partye that so pursued y^e
 said prohibition, the saide costes and dama-
 ges

ges to be assigned or assessed by the court, where the said consultation shall be so granted, for which costs and damages, the party to whom they shall be awarded, may have an action of debt, by bill, plaint, or information in any of the kings courts of record, wherein the defendaunt shall not wage his or their law, nor have any essoigne or protection allowed or admitted.

¶ Provided alwaies and be it enacted by the auctoritie aforesaid, that this act or any thing therein contained, shall not extend to geue any minister or Judge ecclesiasticall, any iurisdiction to holde plee of any matter, cause or thing, being contrary or repugnant to, or against the effect, intent or meaninge of the statute of westminster seconde, the. v. Chapter, the statutes of Articuli cleri, circumspecte agatis, silua cedua, the treatise, De regia prohibitione ne against the statute of anno primo Edwardi tertii the tenth Chapter, or anye of them, ne yet hold plee in any matter, whereof y^e kings court of right, ought to haue iurisdiction, any thing herein contained to the contrary in any wise notwithstanding.

¶ Provided neuerthelesse, where heretofore such a custome hath ben in many parts of Wales, that of such cattel and other goods as hath ben geuen with the mariage of anye person, theretithes haue ben exacted and leuied by the persons & curates in those parts whiche custome being dissonaune, from any part of this realme, as it seemed when the
sayd

Limitation.

sayde countrey of Wales, was through ciuill
dissention vnculted, for want of other suffy-
cient profits, that might otherwise growe to
the curates and ministers there, to haue ben
for that time tollerable. so now the countrey
being well manured and husbanded, & that
tithe is duelye payde there, of corne, hape,
wooll and cheese, and of other increase of al
maner of cattell, as it is commonlye in all
other partes of this realme, & same custome
seemes to bee greuous and vnrasonable,
specially where the benefices are els suffy-
cient for the findinge of the saide ministers
and curates, that it bee therefore enacted by
the auctoritie aforesaide, that from and af-
ter the first day of May next comminge, no
suche tithes of mariage goods be exacted or
required of any person within the saide do-
minion of Wales, or marches of the same: a-
ny thyng in this acte conteyned, or anye
other acte, custome, prescription, had or
made to the contrarie hereof notwith-
standyng.

¶ An acte for the limitation of prescription in cer-
taine cases made in the second session of
the first parliament. I. M. Cap. 5.

¶ Limitation. 2.

The saide former acte made in the sayde
xxxij. yere of the raigne of the saide la:
king Henry | which is before. 32. H. 8. ca. 2
Limitation. 3

Limitation. 3. | or any article, clause, sentence
or matter therein conteyned, shal not extende
to any writ of right of aduowson, Quare im-
pedit, or assise of darrein presentment, or iure
patronatus, nor to any writ of right of ward,
writ of rauishment of warde, for the ward-
ship of the body, or for the wardship of anye
castels, honours, manours, lands, tenements,
or hereditaments holden by knightes seruice
nor to the seysor of the wardship of the body
of any warde or wardes, or to the seysor or
wardship of anye assels, honours, manours
landes, tenements, or hereditaments holden
by knightes seruice, but that all and euerye
person and persones, bodyes polytique and
corporate, their heires and successours,
the heires and successours of euery of them
shall and maye haue, mayntaine, and pursue
all and singuler the saide writtes of right,
of aduowson, quare impedit, assise of dar-
rein presentment, iure patronatus, writtes
of right of warde, rauishment of warde, &
also lease the wardship both of the body, and
of the castels, honours, manours, lands, te-
nements, & hereditaments, holden by knightes
seruice, in like maner & fourme, to al intetes
constructions & purposes as they or anye of
them shoulde or might haue doone, made, or
pursued, before y^e making of y^e saide act made
in the saide xxxij. yere | cap. 2. | as though the
same acte had neuer ben had or made: anye
thing in the said former act to the contrarye
notwithstanding.

Can

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Fraudulent deedes.

notwithstandynge.

And bee it further enacted by thauytho-
ritye aforesayde, that all & euerye the par-
tyes to suche sayned, couenous, or fraudu-
lent feoffement, gyft, graunt, alienatyon,
bargayne, conueyance, bonds, suites, iudge-
mentes, executions, and other thyngs be-
foze expresse, or beyng pruiue and kno-
wing of the same, or any of them, which at
any tyme after the tenth day of June next
commynge, shall wittinglye and wyllinglye
put in vze, auowe, mainteine, iustifye, or
defende the same, or anye of them, as true,
simple, and doone, had, or made, bona fide
and vpon good consideration: or shall alien
or assigne anye the landes, tenementes,
goods, leasses, or other thynges befoze
mencioned, to him or them conueyed, as is
aforesaide, or anye parte thereof, shall in-
curre the penaltie and forfayture of one ye-
res value of the saide landes, tenementes,
and heredytamentes, leasses, rentes, com-
mons, or other profites, of or oute of the
same, & the whole value of the said goods
and cattels, and also so muche money, as
are or shal bee conteyned in anye suche coue-
nous and sayned bonde: the one moytie
wherof to bee to the Queenes Maiestye,
her heires and successours, and thother moi-
tye to the partye or parties greued by
suche sayned and fraudulent feoffement,
gyfte, graunt, alienatyon, bargayne, con-
ueyance, bonds, suites, iudgements, ex-
ecutions,

Fraudulent deedes. 240

ecutions, leasses, rentes, communes, profits, charges, and other thynges aforesaid, to bee recovered in anye of the Queenes courttes of recorde, by action of debt, byll, playnt, or informacion, whercin none es- soigne, protection, or waver of lawe, shal be admitted for the defendat or defendants & also being therof lawfully couicted, shal suffer imprisonment for one half yere without baile or mainpryse.

¶ Provided alwaies, and bee it further enacted by the auctoritie aforesaide, that where as sundrye common recoveries of landes, tenementes, and hereditamentes, have heretofore ben had, and hereafter may bee had agaynst tenaūt in tale, or other tenaunt of the freeholde, the reversion or remainder, or the ryghte of reversion or remainder then beyng in anye other personne or personnes, that every suche common recoverie heretofore had, and hereafter to bee had of anye landes, tenementes, or hereditamentes, shall as touchyng suche personne and personnes, whiche then had anye remainder or reversion, or ryghte of remainder or reversion, and agaynst y heirs of every of them stand, remaine, & be of such like force and effect, & of none other, as the same should have ben, if this acte had never ben had made.

¶ Provided alwaies, & be it further enacted by the auctoritie aforesaide, that this acte

Fraudulent deedes.

acte, or any thing therein conteined, shal not extend to make voide any estate or conueaunce, by reason whereof anye personne or personnes shall vse any voucher in any writ of Forme downe now dependinge, or hereafter to bee dependynge, but that all and euerye suche vouchers in anye writ of Forme downe shall stande and bee in lyke force and effecte, as if this act had neuer ben had ne made: any thing before in this acte conteined to the contrary notwithstanding.

¶ Provided also, and be it enacted by the auctoritie aforesaide, that this act, or any thyng therein conteyned, shall not extend to anye estate or interest in landes, tenements, hereditamentes, leases, rentes, commons, profits, goods, or cattels, had, made, conueyed, or assured, or hereafter to bee had, made, conueyed, or assured, which estate or interest, is or shalbe vpon good consideration, & bona fide lawfully conueyed, or assured to any personne or persons, or bodie politique or corporate, not having at y^e tyme of suche conueyance or assurance to them made, any manner of notice or knowledge of suche conueyance, fraude, or collusion, as is aforesaide: any thing before mentioned to the contrary hereof, notwithstanding. This acte to endure vnto the ende of the first session of y^e next parliament & Anno 14. Elizap: and continued vnto the ende of y^e 25th 15th the next parliament.

An acte that the exemplification or constat of letters patentes, shall be as good and auailable as the letters patentes them selues. An.

13. Eliz. cap. 6. Grauntes. 3.

For the auoiding of all such doubts, questions, and ambiguities, as heretofore haue risen and ben moued, & of such as hereafter might rise and bee moued, in & vpon the statute made in y^e parliament begun & holden at Westminster the iiij. day of Nouember, in the thirde yere of the raigne of our late soueraigne Lord king Edward the sixt, entitled, an acte concerning grauntes and giftes, made by patentees out of letters patentes, which is 3. E. 6. ca. 4. Grauntes 2. & for a due & full supply of all such wantes as maye be thought to be therein. Be it enacted & declared by the auctorite of this present parliament, that al & euery patentee & patētees, their heires, successours, executours, & assignes, & al and euery other persone & persones, hauing by, or from thē or any of them, or vnder their title; any estate or interest, of, in, or to any lands, tenements, or hereditamentes, or any other thing whatsoever, to such patētee or patentees heretofore graunted by any letters patentes, either of the moste famous princes king Henry the eight, king Edward y^e sixt, Queene Mary, king Philip & queene Mary, or by any of them, or by the Queenes most excellent Maiesty that nowe is, at any time lithence the iiij. day of Februarpe, in the

Gauntes.

xxvij yere of the raigne of the said late kinge
Henry the eight, or els by y^e Queenes Ma-
iestie that now is, hir heires or successours,
at any time hereafter to bee graunted, shall
and maye at all times hereafter, in anye of
the Queenes highnesse courtes, her heires,
or successours, and els where, by the auctho-
rity of this p^resent acte, make & conuey, & be
allowed & suffered to make & conuey, to & for
him, thē, & euery of themselves, such claime,
or title, by way of declaracion, plaint, auow-
rie, barre, replicaciō, or other pleading what-
soever, aswell against the Queenes highnesse
hir heires, & successours, & euery of thē, as a-
gainst al & euery other persō & persons what-
soever, for or concerning the lands, tenemēts
hereditaments, or other thinges whatsoever
specified or contained in any such letters pa-
tents, or of, for, or cōcerning any part or p^rcel
therof, by shewing forth an exemplification
or constat. vnder y^e great seale of England, of
the inrolment of y^e same letters patents, or of
so much thereof, as shall & may serue to, or
for such title, claime, or matter, the same let-
ters patentees then being and remaininge in
force, not lawfully surrendred nor cancelled
for or concerninge so muche and such parte
and parcell of such landes, tenementes, here-
ditamentes, or other thing, whereunto suche
title or claime shalbee made, as if y^e same let-
ters patēts self were pleaded & shewed forth
any law, vsage, or other thinge, whatsoever
to the contrary notwithstanding.

Vfurye. fo. 242

fo. 242

¶ An acte againſt Vſurye: an. 13. Eliz. cap. 8.

gVfurye.8.

VHere as in the parliament holden
the xxxvij. yere of the Raigne of our
late Soueraigne lord king Henry
the eight of famous memorie | cap. 6. Usurie.
6. | there was then made & established one
good acte for the reformation of vsurye, by
whiche act y^e vice of vsury was wel repressed
& speciallye the corrupt cheuifance & bargay-
ning by way of sale of wares, & shifte of in-
terest. And where since y^e time by one other
acte made in the v. & vi. yerres of the raigne of
our late soueraigne lord king Edward y^e vi.
| ca. 20. | the saide former act was repelled, &
new prouises for repressinge of vsury deu-
ised & enacted, whiche saide latter act hath not
done so much good as was hoped it shoulde
but rather y^e said vice of vsury, & specially by
swaye of sale of wares & shiftes of interest,
hath much more exceedingly abounded, to the
btter vndoing of many gentlemē, marchāts
occupiers & other, & to y^e importable hurt of
y^e cōmon wealth, aswell for y^e in y^e said latter
acte ther is no prouisiō against such corrupt
shiftes & sales of wares, as also for y^e ther is
no difference of paine, forfaiture, or punish-
ment, vpon the greater or lesser exactions &
oppressions, by reason of lones vpon vsurye.
Be it therefore enacted, that the saide later
statute made in the v. and vi. yerres of the
raigne of king Edward y^e vi | ca. 20. | & euery
hij. ij. branche

Imp. f.

7 An

Vsurie

branche and article of the same, from & after the xxv. day of June next comming, shall be utterly abrogated, repelled, & made void, & that the said act made in the said xxxvij. yere of kinge Henry the eight | ca. 6. | from & after the saide xxv. day of of June next comming shalbe reuiued, & stande in full force, strength and effect.

And be it further enacted, that all bonds, contractes, & assurances, collaterall or other to be made for payment of any principall, or money to be lent, or covenant to be perfourmed vpon or for any vsury, in lending or doing of any thing against the said acte nowe reuiued, by or by which lone or doing, ther shalbe reserued or taken, aboue the rate of x. poundes for the hundred for one yere, shall be utterly void.

And be it further enacted, that al Workers, solicitors, & diuers of bargaines, for contractes or other doings against the sayde statute now reuiued, wherupon shalbe reserued or taken more then after the rate of x. li. for the lone of C. li. for a yere, shalbe to al intents & purposes, iudged, punished, & vled as Counsellours, attourneis, or aduocates, in anye case of premunire.

And for asmuch as all vsury beinge forbidden by the lawe of God, is sinne & detestable. Be it enacted that all vsury, lone, & forbearing of money, or geuing daies for forbearing of money, by way of lone, cheuisaunce, shifts, sale of wares, contract, or other doings
what

Whatsoever for gaine, mencioned in the said statute which is now reuiued, whereupon is not reserued, or taken, or couenaunted to bee reserued, paide, or geuen to y^e lender, contractor, hifter, forbearer, or deliuerer, aboue the summe of x.li. for the lone or forbearing of a C.li. for one yere. or after that rate for a more or lesser sume or time, shalbe fro the xxv. day of June next comming, punished in fourme folowing, that is to say, that euery such offender against this branch of this present statute, shal forfeit so much as shalbe reserued by way of vsurie, aboue the principall, for any money so to be lent or forborne. Al suche forfeitures to be recouered & imploied as is limited for forfeitures by the saide former statute nowe reuiued.

¶ And be it further enacted that Iustices of Oier & Terminer, & Iustices of assise in their circuites, Iustices of peace in their sessions, maiors, shriues, & bailiues of Cityes, shall also haue ful power & aucthority to enquire, heare, & determine, of all and singuler offences committed against the sayde statute now reuiued.

¶ And be it further enacted, that y^e said statute now reuiued, shalbe most largely and strongly construed for the repressing of vsury & against al persons that shal offend against the true meaning of the saide statute by anye way or deuise, directly or indirectly.

¶ Provided alway, that this statute doth not extende, nor shalbe expounded to extende
 H. h. ij. vnto

Vsury.

unto any allowances or paymentes for the finding of Orphanes, according to the ancient rates, or customes of the citie of London, or any other Citie where like order is for the custody of Orphanes & their goodes as is in the said city of London.

¶ Provided alwaies, and bee it further enacted by the auctorithy aforesaid, that if any person or persons, shal from and after the said xxv. day of June, offende contrarie to the saide statute reuiued by this present acte made in the xxxvij. yere of the raigne of the saide late kinge Henry the eight |ca. 6. |that then all and euery such offendour and offenders, shal and may also be punished & corrected, according to the Ecclesiastical lawes heretofore made againste vsurie. And that all and euery person and persons offendinge in vsurie, thiftes, or cheuillance against this present acte, and not taking or receauing but onely after the rate of x. poundes in the hundred, or vnder, for a yere, shalbe onely punished by the paines and forfeitures provided and appointed by this acte, againste suche as shall not take or receaue ouer and aboue the rate of tenne poundes in the hundred for a yere, and not otherwise. This acte to continue and endure for and during the space of five yeres, next after the end of this present Parliament, and from thence vnto the end of the first Session of the Parliament then next ensuing.

¶ And be it further enacted by the auctorithy

ritie aforesaid, that if this present acte shall not be continued in the first Session of the Parliament nexte ensuing the said terme of v. yerres, and then in the same Session no other statut or prouision made against vsury or corrupte cheuylance, & then al & euery the lawes & statutes repelled by this act, shal remaine and be of such like force & effect, as if this present acte had neuer ben had ne made [vide. 5. E. 6. ca. 20. 9.]

¶ An acte against fraudes, defeating remedies for dilapidacion of Ecclesiasticall liuinges, and for Leases to be graunted by collegiat churches. 13. Eli. 2. cap. 10.

¶ Leases. 4.

FOr that long & vnreasonable leases made by colleges, Deane, & chapters, parsons, vicars, & other hauinge spirituall promotions, be the chiefest causes of dilapidacions & the decay of all spirituall liuinges & hospitalitie, & & vtter impouerishing of al successors, incumbents in & same. Be it enacted by the aucthority aforesaid, & from henceforth al leases, giftes, graunts, scoffements, conueiunces, or estates, to be made, had, done, or suffered, by any master & felowes of any college, Dean, & chapter of any Cathedrall or collegiat church, master or gardian of anye hospital, parson, vicar, or any other hauinge any spiritual or ecclesiastical liuing, or any houses, lāds, tithes, tenements, or other hereditaments being any parcell of the possessions

of

Leases.

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of any such colledge, Cathedral church, chapter, hospitall, parsonage, vicarage, or other spirituall promotion, or any waies appertaining or belonging to the same, or of any of the, to any person or persons, bodies politike or corporate (other then for the terme of xxi. yerres, or three liues, frō the time as any such lease or graūt shalbe made or graunted, wher vpon the accustomed yerely rent or moze shal be reserued & payable yerely during the said terme) shalbe vtterly void & of none effect to all intents, constructions, & purposes: any law, custome, or vsage, to the contrary any waies notwithstanding.

¶ Provided neuerthelesse, & be it enacted by thauthozity aforesaid, & this act nor any thing therein contained, shalbe taken or construed, to make good any lease, or other grāt to be made by any such colledge, or collegiate church, within either of both the Uniuersities of Oxforde & Cambridge, or els where within the Realme of Englande, for moze yerres then are limited by the priuate statutes of the same Colledge.

¶ Provided alwaies, that this act shal not extende to any lease hereafter to be made vpon surrender of any lease heretofore made, or by reason of any couenāt or condicion, contained in any lease heretofore made, & nowe continuing, so that the lease to be made do not contayne moze yerres then the residue of the yerres of the former lease nowe continuinge shalbe, at the time of such lease hereafter to be
be

be made, nor anye lese rent then is reserued in the said former lease. | Se a statute made 1. Eliz. which is vnpynted concerninge exchanges to be had, betwene the Quenes Maiestie & Bishoppes, what leases & assurances bishops may make. Se also one other statute made the said 13. yere. ca. Leases. 5 and certaine bzaunches of the statute made 14. Eliz. cap. 11. touching leases, & charges, by such incumbentes, & the other matters of this statute, which are omitted, bycause they are not yet perpetuall.

¶ Recoueries.

¶ An acte for the auoyding of recoueries suffered by collusion by tenantes for terme of life, and such others. An 14. Eliz. cap. 8.

¶ Recoueries. 5.

VVhere diuers persons being seised, or that haue ben seised of landes, tenementes, and hereditamentes, as renauntes by the curtesie of Englande, tenants in taile after possibilitie of issue extincte, or otherwise, onely for terme of life or liues, or of estates determinable vpon life or liues, haue heretofore permitted & suffered, other persons, by agreement or couine betwene the had, to reconer the same landes, & tenements & other hereditaments, against the same particular tenantes, in the Quenes Maiesties court, or haue permitted & suffered themselves to be vouched by other persons, by agreement

Recoueries.

ment or couine betwene them had in recoueries suffered of the same landes, tenements, & other hereditaments, in the Queenes Maiesties court, to the greates preiudice of those to whom the reuerſion or remainder thereof hath appertained, or ought to appertaine.

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¶ For remedy wherof, be it enacted by the Queenes moſte excellent Maiestie, wyth the assent of the Lordes spirituall and temporal, & the commons in this present parliament assembled, & by aucthoritie of the same that all such recoueries, hereafter to be had or prosecuted, by agreement of the parties, or by couine, as is aforesaide, againste anye such particuler tenaunt of anye landes, tenements, or hereditaments, wherof the same particuler tenaunt is, or hereafter shalbe seized of any such particuler estate as is aforesaid, or against any other, with voucher ouer of anye suche particuler tenaunt, or of anye hauinge, or that had righte or title to anye suche particuler estate or tenauncie, as is aforesayde, shall from henceforth, as against such person or persones to whome any reuerſion or remainder therof, by force of any conuetance or deuile before that time had or made, shall, ought, or lawfully maye appertaine, & against their heires & successours, be clearely & utterly boide & of none effect, any law or vsage heretofore had to the contrarie thereof, in any wise notwithstanding.

¶ Provided alway, that this act, nor any thinge therein contained, shal extend, or be preiudice

preiudicial, to anye persone or persones, that shall hereafter by good title, recover anye landes, tenementes, or hereditamentes, without fraude or couin, by reason of any former right, or title, but that all & every such recovery, & recoveries, so to be had or prosecuted upon former rights or titles, shall stand & be in like force, strength & effect, as they were before & making of this act, any thing herein contained to the contrarye in any wise notwithstanding.

¶ Provided also, that all & every such recovery & recoveries, to be had or prosecuted, of any lands, tenementes, or hereditamentes, as aforesaide, by the assent & agreement of anye person or persones, to who any reuerlion or remainder therof then shal or ought to appertaine (so & the same assent & agreement do appeare of record in any court of our soueraign Lady the Queenes Maiesty, her heires or successours) shall stande and be in like force, strength, & of like effect, against such person & persons that shall so assent and agree, their heires and successours, as they were before the making of this acte, anye thinge herein contained to the contrarye, in any wise notwithstanding.

¶ Be it further enacted by the auctorite aforesaid, that one acte made in the xxxij. yers of our late soueraigne Lorde kinge Henrye the eight, entituled. An acte for the auoiding of recoveries by collusions by tenants for terme of life, /an. 3. 32. H. 8. cap. 31. shall bee from

Iurours.

from the first day of July next ensuing repealed: and shall no longer stand in force.

Iurours.

An Acte declaring that the tenant and defendant may haue a tales de circumstantibus, as well as the demaundant or plaintife 14. Eliz.
cap. 9. Iurours. 20.

Or the auoyding of great and chargeable
Fdelayes oftentimes happeninge vnto tenants, and defendaunts. Be it enacted that in all cases whereas the partie plaintife or demaundant by any statute heretofore made may haue vpon his or their request made vnto the Iustices of Nisi prius, within thys Realme of Englande, or to the Iustices of Oyer, or of assises, of the xij. shires of Wales, & the counties palatines of Lancaster, Chelster, & Durham, a tales de circumstantibus, that in all and euery such case & cases, the partie & parties, tenaunts, actours, auowants, & defendants (if the plaintifes or demaundantes shal vpon the calling of the principal pannel or Jury, forbear or refuse to pray the same) shall & may vpon his or their request or desire, haue vpon the same recorde, & by y^e same Iustices, the tales or taleses vnto the granted, in like maner forme, & degree, to al respectes & purposes, as the plaintife or demaundant in any suit or accion may haue the same by any statute or ordinance heretofore made

Iurours. fo. 247

or set forth, & the rather for the speedy tryall
of the issue & issues ioined, or hereafter to be
ioined in any plee, suit, or accion, any lawe,
custome, or vsage heretofore vbled to the cō-
trary therof in any wise notwithstanding.

¶ Provided also, & be it further enacted by
the aucthoritie aforesaid, that all populer ac-
cions, informacions, billes, or suites, comen-
ced or had, or hereafter to bee commenced or
had in any the Queenes Maiesties courts
of recoorde, vpon any penall lawes or statutes
wherein any person doth, or shall sue, or pro-
secute, or informe, as well for the Queenes
Maiestie, hir heires, & successors, as for him-
selfe, wherevpon issue is or shalbe ioined to
be tried by the countrey, that therein y^e partie
defendant or defendants, shalbe admitted to
pray & haue a tales de circūstantibus, as in other
cases aforesaid. | He touchinge Iurours de

circumstantibus 35. H. 8. cap. 6. Iu-

rours 17. made perpetuall 2. E. 6.

cap. 32. & 4. & 5, D. 8. M.

cap. 7. Iurours .18.

& 5. Eliz. ca. 25. Iu-

rours 19.

¶ Imprinted at London in Flee-
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Iurours.

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